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RULES
OF GOVERNMENTAL
AGENCIES



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Issue 16-April	14, 2000:	Data Through March	31, 2000
Issue 29-July	14, 2000:	Data Through June	30, 2000
Issue 42-October	13, 2000:	Data Through September	30, 2000
Issue 3-January	19, 2001:	Data Through December	31, 2000 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 2001

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 26, 2000	January 5, 2001	Issue 28	July 2	July 13
Issue 2	January 2, 2001*	January 12	Issue 29	July 9	July 20
Issue 3	January 8	January 19	Issue 30	July 16	July 27
Issue 4	January 16*	January 26	Issue 31	July 23	August 3
Issue 5	January 22	February 2	Issue 32	July 30	August 10
Issue 6	January 29	February 9	Issue 33	August 6	August 17
Issue 7	February 5	February 16	Issue 34	August 13	August 24
Issue 8	February 13*	February 23	Issue 35	August 20	August 31
Issue 9	February 20*	March 2	Issue 36	August 27	September 7
Issue 10	February 26	March 9	Issue 37	September 4*	September 14
Issue 11	March 5	March 16	Issue 38	September 10	September 21
Issue 12	March 12	March 23	Issue 39	September 17	September 28
Issue 13	March 19	March 30	Issue 40	September 24	October 5
Issue 14	March 26	April 6	Issue 41	October 1	October 12
Issue 15	April 2	April 13	Issue 42	October 9*	October 19
Issue 16	April 9	April 20	Issue 43	October 15	October 26
Issue 17	April 16	April 27	Issue 44	October 22	November 2
Issue 18	April 23	May 4	Issue 45	October 29	November 9
Issue 19	April 30	May 11	Issue 46	November 5	November 16
Issue 20	May 7	May 18	Issue 47	November 13*	November 26**
Issue 21	May 14	May 25	Issue 48	November 19	November 30
Issue 22	May 21	June 1	Issue 49	November 26	December 7
Issue 23	May 29*	June 8	Issue 50	December 3	December 14
Issue 24	June 4	June 15	Issue 51	December 10	December 21
Issue 25	June 11	June 22	Issue 52	December 17	December 28
Issue 26	June 18	June 29	Issue 1	December 26 (Wed. Noon)	January 4, 2002
Issue 27	June 25	July 6			

* Tuesday 12 noon deadline following a state holiday.

** Monday publication date following a state holiday.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services; Prompt Payment

2) Code Citation: 74 Ill. Adm. Code 900

3) Section Numbers:
900.120 Proposed Action:
Amend

4) Statutory Authority: 30 ILCS 540

5) A Complete Description of the Subjects and Issues Involved: Public Act 91-266 eliminated the exemption to the Prompt Payment Act of medical assistance payments made on behalf of Public Aid recipients. The proposed amendment reflects the elimination of the exemption.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
217/782-9669

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 74: PUBLIC FINANCE
CHAPTER VIII: CENTRAL MANAGEMENT SERVICES

PART 900

JOINT RULES OF THE COMPTROLLER AND THE DEPARTMENT OF
CENTRAL MANAGEMENT SERVICES:
PROMPT PAYMENT

Section	Scope
900.10	Definitions
900.20	Duties of State Agencies
900.30	Statement Indicating That Interest Penalty May Be Available
900.40	Other Interest Provisions
900.50	When a Payment is Late
900.60	Approval by the State
900.70	Submission and Receipt of Bills
900.80	When and How Vendors Must Request Interest
900.90	Calculation of Interest
900.100	No Interest on Interest
900.110	Exclusions
900.120	Special Rules and Procedures Regarding the Application of the Act to the State Employee's Group Insurance Program
900.130	Resolution of Disputes
900.140	

AUTHORITY: Implementing the State Prompt Payment Act, [30 ILCS 540] to require prompt payments by the State of Illinois for goods or services.

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11169, effective July 1, 1993, for a maximum of 150 days; emergency expired November 28, 1993; adopted at 18 Ill. Reg. 11496, effective July 11, 1994; amended at 24 Ill. Reg. 19049, effective December 18, 2000; amended at 25 Ill. Reg. _____, effective _____.

Section 900.120 Exclusions

The following non-exhaustive list represents the types of payments that are excluded from the Act and consequently do not qualify for interest penalties:

- Inter- and intra-agency payments. This includes transfers and payments to revolving funds, reimbursement of petty cash funds and imprest accounts, inter-fund transfers and inter-fund payments in which an agency or department serves as the Vendor of Goods or Services.
- Payments to State employees for personal services (salary only and not including health insurance benefits).
- Awards and grants including pass-through grants and distributive payments and refunds.
- Contract retainers associated with construction contracts.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- State Board of Education categorical grants.
- Community College Board grants.
- Illinois Student Assistance Commission grants.
- Payments to local government entities, including school districts.
- Payments of interest penalties.
- Payments made to contractual employees (these payments are made on a Contractual Service Voucher).
- Deleted ~~Medical assistance provided to public aid recipients and reimbursed from State funds under Articles VI and VII of the Illinois Public Aid Code~~.
- Payments from accounts or funds not appropriated by the General Assembly.
- Gratuities payments made to induce a business to remain in or to locate in this State.
- Any type of payment to a Vendor assigned or sold by that Vendor to a different payee, including any assignments made by the Vendors to the Department of Public Aid.
- Barter transactions.
- Payments made by a State agency comprised of federal funds only and no State or local funds.
- Medical and claims payments under the Workers' Compensation and Workers' Occupational Diseases Acts.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

OFFICE OF THE COMPTROLLER
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment
- 2) Code Citation: 74 Ill. Adm. Code 330
- 3) Section Numbers: Proposed Action:
330.Source Note Amend
- 4) Statutory Authority: 30 ILCS 540
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 91-266 eliminated the exemption to the Prompt Payment Act of medical assistance payments made on behalf of Public Aid recipients. The proposed amendment reflects the elimination of the exemption.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Whitney Wagner Rosen
Legislative Counsel
Office of the Comptroller
201 State Capitol
Springfield, Illinois 62706
217/782-0905

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None

OFFICE OF THE COMPTROLLER
NOTICE OF PROPOSED AMENDMENT

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not summarized in a Regulatory Agenda.

The full text of the proposed amendments is the same as text proposed for 74 Ill. Adm. Code 900 in this issue of the Illinois Register as a joint rulemaking of the Department of Central Management Services and the Comptroller. As this joint rule text appears in the Illinois Administrative Code as Part 900 and is only cross-referenced at Part 330, it is not reprinted here for Part 330.

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED AMENDMENT

TITLE 74: PUBLIC FINANCE
CHAPTER II: COMPTROLLER

PART 320

JOINT RULES OF THE COMPTROLLER AND THE DEPARTMENT OF CENTRAL
MANAGEMENT SERVICE: PROMPT PAYMENT

SOURCE: Adopted at 18 Ill. Reg. 11521, effective July 11, 1994; amended at 24 Ill. Reg. 19123, effective December 18, 2000; amended at 25 Ill. Reg. _____, effective _____.

(Editor's Note: This Part is a joint rule of the Comptroller and the Department of Central Management Services. The text of the Part appears at 74 Ill. Adm. Code 900.)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

1) Heading of the Part: Accessible Housing Demonstration Grant Program

2) Code Citation: 47 Ill. Adm. Code 368

Section Numbers:	Proposed Action:
368.101	New
368.102	New
368.103	New
368.104	New
368.105	New
368.106	New
368.107	New
368.108	New
368.109	New
368.201	New
368.202	New
368.203	New
368.204	New
368.205	New
368.301	New
368.302	New

4) Statutory Authority: Sections 7.19 and 7.25 of the Illinois Housing Development Act (20 ILCS 3805/7.19 and 7.25) and the Accessible Housing Demonstration Grant Program Act (310 ILCS 95).

5) A Complete Description of the Subjects and Issues Involved: These rules will establish a demonstration grant program to encourage the development of single family homes that are accessible to the disabled public.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed rules pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed rule does not create, expand or modify a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:

Richard Muller Esq.
401 N. Michigan Ave., Suite 900
Chicago, Illinois 60611

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

312/836-5327

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendment will have a favorable impact on small to midsize real estate developers and contractors.
- C) Reporting, bookkeeping or other procedures required for compliance: No new requirements.
- D) Types of professional skills necessary for compliance: No new professional skills needed.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated.

The full text of the Proposed Rules begins on the next page:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 368

ACCESSIBLE HOUSING DEMONSTRATION GRANT PROGRAM

SUBPART A: GENERAL RULES

Section
368.101 Authority
368.102 Purpose and Objectives
368.103 Definitions
368.104 Standard Criteria
368.105 Forms and Procedures for the Program
368.106 Amendment
368.107 Severability
368.108 Gender and Number
368.109 Titles and Captions

SUBPART B: APPLICATION

368.201 Forms
368.202 Application
368.203 Accompanying Documentation
368.204 Review
368.205 Grant Agreement

SUBPART C: DISBURSEMENT OF GRANT PROCEEDS

Section
368.301 Application for Disbursement of Grant Proceeds
368.302 Review

AUTHORITY: Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 7.19 and 7.25] and the Accessible Housing Demonstration Grant Program Act [310 ILCS 95].

SOURCE: Adopted at 25 Ill. Reg. _____, effective _____.

SUBPART A: General Rules

Section 368.101 Authority

This Part is authorized by and made pursuant to the Accessible Housing Demonstration Grant Program Act [310 ILCS 95], which shall govern the Program.

Section 368.102 Purposes and Objectives

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

This Part is established to accomplish the purposes of the Accessible Housing Demonstration Grant program Act and in particular to make grants to Qualified Builders to encourage the building of Single Family Residences that are accessible to the disabled.

Section 368.103 Definitions

As used in this Part, the following words or terms shall have the meanings assigned to them.

"Accessibility Standards": The standards for the construction of a Spec Home, which shall include the following:

The Spec Home shall have at least one no-step exterior entrance with a 36-inch-wide entrance door to allow for wheelchair access into the Spec Home.

All interior passage doors in the Spec Home shall allow at least 32 inches of clearance in width.

No electrical outlet in the Spec Home shall be lower than 15 inches from the finished floor and no light switch in the Spec Home shall be higher than 48 inches from the finished floor. All environmental controls, including, but not limited to, heating and air-conditioning controls in the home must be in accessible locations.

In each bathroom or equivalent room, the toilet, bathtub, shower stall, or shower seat shall be reinforced in a manner that will allow the installation of grab bars around those fixtures.

"Act": The Illinois Housing Development Act [20 ILCS 3805].

"Applicant": A homebuilder applying for a Grant under the program.

"Application": A homebuilder's written request for a Grant, including the required information and attachments.

"Application Form": The form to be used by all Applicants in submitting an Application.

"Architect's Final Certificate": The certificate prepared by an architect of a Qualified Builder stating that a Spec Home, as constructed, meets the Accessibility Standards.

"Architect's Initial Certificate": The certificate prepared by an architect of an Applicant or a Qualified Builder stating that the Plans and Specifications for a proposed Spec Home incorporate the

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

Accessibility Standards.

"Authority": The Illinois Housing Development Authority.

"Building Permit": The building permit for a Spec Home, if required, issued by the jurisdiction in which the Spec Home is to be constructed.

"Director": The Executive Director of the Authority.

"Grant": A grant from the Authority to a Qualified Builder in connection with the construction of one or more Spec Homes under the Program. No Grant shall exceed \$5,000 for each Spec Home.

"Grant Agreement": The agreement between the Authority and a Qualified Builder setting forth the terms and conditions under which the Authority will provide a Grant to the Qualified Builder.

"Program": The Accessible Housing Demonstration Grant Program.

"Qualified Builder": A homebuilder that:

has had insurance coverage for product liability, builder's risk and worker's compensation for the 12-months prior to the date of its Application; and

demonstrates that it has constructed either at least two buildings in the 12-month period prior to the date of its Application, or four buildings in the 24-month period prior to the date of its Application.

"Request for Disbursement": A Qualified Builder's request for a disbursement of Grant funds upon the completion of construction of a Spec Home.

"Single Family Residence": A detached home, a condominium, a town home or other residence designed to be occupied by a single individual or household. A two-, three- or four-flat is not a Single Family Residence.

"Spec Home": A Single Family Residence satisfying the Accessibility Standards constructed by a Qualified Builder for sale on the open market and not built for a specific individual or family for immediate occupancy.

"Staff": The Executive Director and the employees of the Authority.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

In considering applications for Grants, the Authority and the Staff shall, in the exercise of discretion, consider, in addition to the criteria specifically set forth in this Part:

- a) The size, number and type of the proposed Spec Homes;
- b) The location of the Spec Homes;
- c) The projected completion dates of the Spec Homes;
- d) The experience of the Applicant; and
- e) The amount of the Grant requested.

Section 360.105 Forms and Procedures for the Program

The Staff may prepare, use, supplement, and amend such forms, agreements, and other documents and such procedures as may be necessary to implement the Program, all as may be prescribed by the Executive Director.

Section 360.106 Amendment

This Part may be supplemented, amended, or repealed by the Authority from time to time and in such manner as they may determine consistent with this Part, the Act, the Accessible Housing Demonstration Grant Program Act and other applicable provisions of law. This Part shall not constitute or create any contractual rights.

Section 360.107 Severability

If any clause, sentence, paragraph, subsection, Section, or Subpart of this Part is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Part, but shall be confined in its operation to the clause, sentence, paragraph, subsection, Section, or Subpart as to which such judgment is rendered.

Section 360.108 Gender and Number

All terms used in any one gender or number shall be construed to include any other gender or number as the context may require.

Section 360.109 Titles and Captions

Titles and captions or Subparts, Sections, and subsections are used for convenience and reference and are not a part of the text.

SUBPART B: APPLICATION

Section 368.201 Forms

The Authority shall develop an Application Form, a Grant Agreement, and any other forms that it may deem necessary for the conduct of the Program.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

Section 368.202 Application

Applicants seeking a Grant under the Program shall submit to the Authority a completed Application Form together with all required documentation.

Section 368.203 Accompanying Documentation

For each Spec Home that an Applicant proposes to construct under the Program, the Applicant shall include:

- a) an Architect's Initial Certificate; and
- b) a Building Permit, if required by the jurisdiction in which the Spec Home is to be constructed.

Section 368.204 Review

Within 10 business days after the receipt of an Application, the Staff shall determine whether such Application meets the eligibility requirements of this Part. If the Staff determines that the Application meets such requirements, it shall notify the Applicant within five business days after such determination. If the Staff determines that the Application fails to meet any of these requirements, the Authority shall notify the Applicant in writing within 10 business days after such determination; the Applicant shall have 10 business days to correct any deficiencies in its Application.

Section 368.205 Grant Agreement

Upon the approval of an Application, the Authority and the Applicant shall enter into a Grant Agreement.

SUBPART C: DISBURSEMENT OF GRANT PROCEEDS

Section 368.301 Application for Disbursement of Grant Proceeds

Upon the completion of a Spec Home, the Qualified Builder shall submit a Request for Disbursement to the Authority. Such request shall include an Architect's Final Certificate and, if required by the jurisdiction in which the Spec Home has been constructed, a certificate of occupancy from that jurisdiction.

Section 368.302 Review

Within 10 business days after the receipt of a Request for Disbursement, the Staff shall determine whether such request meets the requirements of this Part. If such requirements have been met, the Authority shall disburse Grant proceeds in the requested amount to the Qualified Builder. If the Staff determines that the Request for Disbursement does not meet such requirements, the Authority shall notify the Qualified Builder in writing within 10 business days, stating the reasons why the Request for Disbursement was denied; the Qualified Builder

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

shall have 10 business days to correct any deficiencies in its Request for Disbursement.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Statewide Displaced Homemakers Program

2) Code Citation: 56 Ill. Adm. Code 365

3) Section Numbers: Proposed Action:
365.110 Amended
365.120 Amended

4) Statutory Authority: Implementing and authorized by the Displaced Homemakers Assistance Act [20 ILCS 615]

5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking will detail or cross-reference the applicable rules for the following: the "rules, regulations, and requirements which the Department of Labor may establish for its programs" (referenced in Section 365.110(a)); the terms and subject matter of its "signed agreement" (referenced in Section 365.110(c)); the "rules and regulations" and "standard procedures" (referenced in Section 365.120(a)); the procedures/mechanism that would prevent "the Department from obtaining appropriate reimbursement from the State government" (in Section 365.120(b)); and the statutory authority by which "the Department may retain all suspended payments" (in Section 365.120(b)).

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? Yes

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

William Rolando, Assistant Director
Illinois Department of Labor
One West Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
(217) 782-1704 (telephone)
(217) 782-0596 (telefax)

A public hearing is scheduled on:

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

XXXX, at 1:00 p.m.

Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The rulemaking affects all organizations seeking funding from the Displaced Homemakers Program that are also a small business or a not for profit corporation as defined by the Illinois Administrative Procedure Act. The program does not fund small municipalities.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER 6: REGULATION OF WORKING CONDITIONS

PART 165

STATEWIDE DISPLACED HOMEMAKERS PROGRAM

Section

- 365.5 Introduction (Repealed)
- 365.10 Scope and Purpose
- 365.20 Policy and Applicability
- 365.30 Use of Funds
- 365.40 Duration of Program
- 365.50 Eligible Target Group
- 365.60 Eligible Organizations for Funding
- 365.70 Availability of Information to the Public
- 365.80 Application Process
- 365.90 Internal Review Procedure for Applications
- 365.100 Record Maintenance and Reporting Requirements
- 365.110 Monitoring and Evaluation
- 365.120 Non-Compliance

AUTHORITY: Implementing and authorized by the Displaced Homemakers Assistance Act (20 ILCS 615).

SOURCE: Adopted at 4 Ill. Reg. 19, P. 189, effective April 29, 1980; codified at 6 Ill. Reg. 15178; Recodified from 47 Ill. Adm. Code 150 at 8 Ill. Reg. 7799; transferred from 56 Ill. Adm. Code 2640 (transferred by P.A. 87-878) at 16 Ill. Reg. 17177; amended at 25 Ill. Reg. 916, effective January 5, 2001; amended at 25 Ill. Reg. _____, effective _____.

Section 365.110 Monitoring and Evaluation

- a) The Department of Labor may monitor and evaluate all grants made to eligible grantees through the Displaced Homemakers Program. Grant programs will be monitored for compliance with this Part ~~the rates~~ ~~regulations--and--requirements--which--the--Department--of--Labor--may establish--for--the--programs.~~ The right to make unannounced monitoring visits during the duration of the grant is reserved.
- b) If, during a visit, problems are discovered, the Department would provide technical assistance and attempt to rectify the situation. In the event that the program could not be brought up to standard, the Department would be compelled to consider discontinuance of the program.
- c) Programs will be evaluated for effectiveness of the program and for benefit to displaced homemakers and to the State. The effectiveness of a program will be judged according to how nearly the program completes the objectives and reaches the goals outlined in the signed

DEPARTMENT OF LABOR
NOTICE OF PROPOSED AMENDMENTS

agreement. Evaluations will occur both during the operation of the program and upon its completion.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 365.120 Non-Compliance

a) The Department should determine under this Part whether a program might not be in compliance with the goals and objectives outlined in the signed grant agreement. If the Department should determine that a program might not be in compliance with the Department's rules and regulations, standard procedures would be used to reach a final determination. The Department would give written notice to the grantee specifying the nature of the deficiency and giving the grantee 30 calendar days in which to:

- 1) cure the defect;
 - 2) commence to implement a plan of corrective action consented to by the Department; or
 - 3) file an objection to the Department's finding of deficiency.
- b) If the grantee files an objection, the Department shall investigate the matter and present the facts and findings to the Director of the Department for a final determination. All grant funds are subject to the provisions of the Illinois Grant Fund Recovery Act [30 ILCS 705]. The grantee may submit any written or oral statement of the consideration of the Director. During the pendency of the determination of the objection, the Department may either continue to make payment to the grantee or suspend payments. The Department is authorized to suspend payments if, in the sole discretion of the Department, payments would jeopardize funding of the Department, or prevent the Department from obtaining appropriate reimbursement from the State government. In the event of termination, the Department may retain all suspended payments.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Squirrel Hunting
- 2) Code Citation: 17 Ill. Adm. Code 690
- 3) Section Numbers: 690.30
Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update site-specific information, reflect the renaming of Panther Creek Conservation Area to Jim Edgar Panther Creek State Fish and Wildlife Area, add additional sites open to hunting and remove sites closed to hunting.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance:
None

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- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 690
SQUINNEL HUNTING

Section

690.10 Hunting Seasons

690.20 Statewide Regulations

690.30 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; emergency expired March 12, 1982; amended at 6 Ill. Reg. 9642, effective July 21, 1982; amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; emergency expired December 29, 1983; amended at 8 Ill. Reg. 16789, effective August 30, 1984; amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 13601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12446, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. 10816, effective June 20, 1990; amended at 15 Ill. Reg. 10012, effective June 24, 1991; amended at 16 Ill. Reg. 11087, effective June 30, 1992; amended at 17 Ill. Reg. 10842, effective July 1, 1993; amended at 18 Ill. Reg. 8624, effective May 31, 1994; amended at 19 Ill. Reg. 10654, effective July 1, 1995; amended at 20 Ill. Reg. 10882, effective August 5, 1996; amended at 21 Ill. Reg. 9095, effective June 26, 1997; amended at 22 Ill. Reg. 14844, effective August 3, 1998; amended at 23 Ill. Reg. 9074, effective July 28, 1999; amended at 24 Ill. Reg. 8947, effective June 19, 2000; amended at 25 Ill. Reg. _____, effective _____.

Section 690.30 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive.
- b) Hunting with .22 caliber rimfire firearms or muzzleloading black powder rifles is allowed at those sites listed in the following subsections that are followed by a (1).
- c) Check-in, check-out and reporting of harvest is required at those sites listed in the following subsections that are followed by a (2).
- d) Statewide regulations apply at the following sites:

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Anderson Lake Conservation Area (2)

Apple River Canyon State Park - Salem and Thompson Units (2)

Argyle Lake State Park (2)

Big Bend State Fish and Wildlife Area (2)

Big River State Forest (2)

Cache River State Natural Area (1) (2)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (1)

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season) (1)

Chain O'Lakes State Park (opens Wednesday after permit pheasant season for 5 consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; daily quota filled on first come-first served basis; DNR issued back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel, No. 4 Bismuth, No. 3 Tungsten-Iron, Tungsten-matrix, Tungsten-polymer or smaller may be used) (2)

Crawford County Conservation Area (1) (2)

Cypress Pond State Natural Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Eldon Hazlet State Park (north of Allen Branch (2); and west of Peppenhurst Branch only)

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area (1) (2)

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only) (1) (2)

Fort Massac State Park (2)

I-24 Wildlife Management Area (2)

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Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit) (1) (2)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season) (1) (2)

Kinkaid Lake Fish and Wildlife Area (1)

Lowden-Miller State Forest (hunting allowed from September 1 through September 30 only; hunting allowed only on the southern one-half of the site) (1) (2)

Marseilles Fish and Wildlife Area (Monday through Thursday only through October 31; during August, hunting allowed west of E. 2450 Road only) (2)

Marshall State Fish and Wildlife Area (2)

Mernett Lake Conservation Area (non-toxic shot only in waterfowl areas) (1) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) (1)

Mississippi River Pools 16, 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Morrison Rockwood State Park (opens November 1 and closes the Thursday before the first statewide firearm deer season) (1) (2)

Oakford Conservation Area (1)

Panther-Creek-Conservation-Area-(1)-(2)

Peabody River King State Fish and Wildlife Area (east and north subunits close, November 1) (2)

Randolph County Conservation Area (2)

Ray Norbut State Fish and Wildlife Area (closes December 15 in Eagle Roost Area) (1) (2)

Red Hills State Park (2)

Rend Lake Project Lands and Waters (1)

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Sahara-Woods-t11-t2

- Saline County Fish and Wildlife Area (1) (2)
- Sam Dale Lake Conservation Area (2)
- Sam Parr State Park (2)
- Sangamon County Conservation Area (1)
- Shavnee National Forest, Oakwood Bottoms (non-toxic shot only) (1)
- Sielbeck Forest Natural Area (1) (2)
- Stephen A. Forbes State Park (2)
- Tapley Woods State Natural Area (2)
- Trail of Tears State Forest (1)
- Turkey Bluffs State Fish and Wildlife Area (1) (2)
- Walnut Point Fish and Wildlife Area (2)
- Washington County Conservation Area (2)
- Weinberg-King State Park (1) (2)
- Wildcat Hollow State Forest (1)
- Witkowski State Wildlife Area (opens after second firearm deer season) (2)
- e) Season dates shall be the day following Labor Day to the end of the statewide season at the following sites:

Ferne Clyffe State Park - Fern Clyffe Hunting Area (2)

- Giant City State Park
- Hamilton County Conservation Area (2)
- Pete Marquette State Park (2)
- Pyramid State Park (2)
- Siloam Springs State Park (2)

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- f) Season dates shall be the day after Labor Day to September 30 at the following sites:
- Johnson-Sauk Trail State Park (2)
- Jubilee College State Park (2)
- Kankakee River State Park (2)
- Sangchris Lake State Park (2)
- Silver Springs State Park (2)
- Spring Lake Fish and Wildlife Area (2)
- g) Statewide regulations apply at the following sites, except that hunters must obtain a free permit from the Department and variations in season dates are in parentheses. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15 or the hunter will forfeit privileges at that site for the following year:
- Chauncey Marsh (permit may be obtained at Red Hills State Park Headquarters) (1)
- Clinton Lake State Recreation Area - North Fork Management Area, North of the County Road at the North Fork Boat Ramp (1)
- Coffeen Lake State Fish and Wildlife Area (area closed during firearm deer season; closes September 30)
- East Conant Field (1)
- Fox Ridge State Park (1)
- Harry "Babe" Woodyard State Natural Area
- Hidden Springs State Forest (.22 rimfire firearms and muzzleloading blackpowder rifles prohibited until October 1) (1)
- Hurricane Creek Habitat Area (season closes October 31)
- Jim Edgar Panther Creek State Fish and Wildlife Area (the Quality Unit and Controlled Unit close October 31) (1)
- Kickapoo State Park (season opens day after Labor Day)
- Lake Shelbyville - Eagle Creek State Park (closes opening day of

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site's pheasant season)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas (1)

Middle Fork Fish and Wildlife Area (season opens day after Labor Day)

Momence Wetlands (season opens day after Labor Day; closes September 30; shotgun only, non-toxic shot only)

Moraine View State Park

Newton Lake Fish and Wildlife Area (closes September 30)

Ramsey Lake State Park

Sanganois State Fish and Wildlife Area (1)

~~State Field~~ (1)

Ten Mile Creek Fish and Wildlife Area (1)

h) Season dates shall be statewide opening through September 30 at the following sites:

Beaver Dam State Park (2)

Castle Rock State Park (2)

Coffeen Lake State Fish and Wildlife Area

Iroquois County Wildlife Management Area (1) (2)

Mackinaw State Fish and Wildlife Area (2)

Mt. Vernon Game Propagation Center (2)

Woodford County Fish and Wildlife Area (2)

i) Season dates shall be statewide opening through October 31 at the following sites:

Green River State Wildlife Area (2)

Horseshoe Lake Conservation Area (season on the controlled goose hunting area shall close October 31, remainder of the public hunting area statewide season; non-toxic shot only) (1)

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Sand Ridge State Forest (1) (2)

Union County Conservation Area (season on the controlled goose hunting area closes October 31; firing line unit - statewide closing; non-toxic shot only) (1)

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Licensing Standards for Day Care Homes2) Code Citation: 89 Ill. Adm. Code 4063) Section Numbers: Adopted Action:

406.2 Amend
 406.4 Amend
 406.5 Amend
 406.6 Amend
 406.7 Amend
 406.8 Amend
 406.9 Amend
 406.10 Amend
 406.11 Amend
 406.13 Amend
 406.14 Amend
 406.15 Amend
 406.17 Amend
 406.18 Amend
 406.22 Amend
 406.23 Amend
 406.24 Amend
 APPENDIX D Added

4) Statutory Authority: The Child Care Act of 1969 [225 ILCS 10/5.2]5) Effective Date of Amendments: April 1, 20016) Does this rulemaking contain an automatic repeal date? No7) Do these amendments contain incorporations by reference? No8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Notice of Proposal Published in Illinois Register: September 29, 2000, 24 Ill. Reg. 1430410) Has JCAR issued a Statement of Objection to these amendments? No11) Differences between proposal and final version: The editing changes requested by the Joint Committee on Administrative Rules were made. In addition, the following changes were made as requested by the Joint Committee on Administrative Rules or in response to public comments.

The following definitions were added:

"Basement" means the story below the street floor where occupants must

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traverse a full set of stairs, eight or more risers, to access the street floor.

"Story" means that level of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

"Street floor" means a story or floor level accessible from the street or from outside a building at ground level, with the floor level at the main entrance located not more than four risers above or below the ground level and arranged and utilized to qualify as the main floor.

The definition of "disinfect" was modified as follows:

"Disinfect" means to eliminate virtually all germs from inanimate surfaces through the use of chemicals or physical agents (e.g., heat). In the child care environment, a solution of 1/4 cup household liquid chlorine bleach added to one gallon of water (or one tablespoon bleach to one quart water) and prepared fresh daily is an effective disinfectant for environmental surfaces and other objects. A weaker solution of 1 tablespoon bleach to one gallon of cool water is effective for use on toys, eating utensils, etc. Commercial products may also be used.

Changes were made in Section 406.5 to require that the license renewal forms be mailed to day care home licensees six months prior to the expiration and to require the home to complete within three months of the date of the mailing. Language was also added to require that the licensees receive a copy of the results of the on-site compliance review when it is requested.

In Section 406.6, the proposed requirement that the licensees be married or related was eliminated.

The following changes were made to Section 406.8:

The number of the Poison Control Center was added to the list of required items in the first aid kit. Language was added to state that syrup of ipecac may only be dispensed upon direction from a physician or the Poison Control Center.

Language was added to clarify that soft rubber or plastic toys considered hazardous for infants and toddlers are those that can be bitten or broken into small pieces.

Language was added to require that free hanging cords on blinds, shades and drapes must be tied or otherwise kept out the reach of children.

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Providers with a license or permit on April 1, 2001 that are in compliance with the requirement for a 3 1/2 foot fence are considered in compliance with the fence requirement for this Section.

Requirements were added that caregivers always test water before children less than 5 years of age use the water and that caregivers always supervised children's handwashing.

Language was added to clarify that dangerous animals include venomous and constricting snakes, undomesticated dogs and cats, raccoons, and other animals determined to be dangerous by local public health authorities.

Language was added to require that barriers to prevent access to stairs must be moveable so as not to impede evacuation.

Language was added to clarify that the playground equipment specifications apply only to equipment installed on or after April 1, 2001. The requirement that trampolines be inaccessible to children was eliminated.

Section 406.9 was changed as follows.

Language was added to clarify that the Department relies on the Illinois Department of Public Health to evaluate and approve the training curriculum of individuals and organizations that provide first aid and CPR training.

The language requiring 15 clock hours of in-service training was changed as follows:

The caregivers shall complete 15 clock hours of in-service training per calendar year in accordance with the requirements in Appendix D.

1. Such training may be derived from programs offered by any of the entities identified in Appendix D.

2. Courses or workshops to meet this requirement include, but are not limited to, those listed in Appendix D.

3. The records of the day care home shall document the training in which the caregiver has participated, and these records shall be available for review by the Department.

Language was added to Section 406.10 to clarify that assistants are required to have physical examinations.

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In Section 406.13, language was added to clarify that there must be an assistant when there are more than eight children in the home.

In Section 406.14, changes were made in the exclusion temperature level to be consistent with the recommendations of the American Academy of Pediatrics. Language was also added to clarify that when handwashing is required, hands should be washed with soap and water. The proposed requirement that there be two feet of space between cots, beds and cribs was eliminated in this Section and in Section 406.23.

In Section 406.17, requirements for whole milk for children under age were modified to be consistent with the U.S.D.A. Child and Adult Care Food Program requirements.

In Section 406.22, the language prohibiting walkers was changed to exclude stationary walkers.

In Section 406.24, language changed so that the required medical examinations for caregivers, assistants and regular substitutes are valid for three years rather than two years.

Appendix D was added.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: These adopted amendments will improve health and safety in day care homes by outlining more precisely basic health and safety measures and requiring ongoing in-service training for caregivers and assistants. Additionally, these adopted amendments will provide caregivers with another child grouping option to accept an additional child under five years of age if the number of children under 30 months of age is limited to two.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498
Telephone: (217) 524-1983
TDD: (217) 524-3715

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E-Mail: cfpolicy@dcfs.state.il.us

The full text of the adopted amendments begins on the next page.

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 406

LICENSING STANDARDS FOR DAY CARE HOMES

Section	Purpose
406.1	Purpose
406.2	Definitions
406.3	Effective Date of Standards (Repealed)
406.4	Application for License
406.5	Application for Renewal of License
406.6	Provisions Pertaining to the License
406.7	Provisions Pertaining to Permits
406.8	General Requirements for Day Care Homes
406.9	Characteristics and Qualifications of the Day Care Family
406.10	Qualifications for Assistants
406.11	Substitutes
406.12	Admission and Discharge Procedures
406.13	Number and Ages of Children Served
406.14	Health and Medical Care
406.15	Discipline of Children
406.16	Activity Requirements
406.17	Nutrition and Meals
406.18	Transportation of Children By Day Care Home
406.19	Swimming
406.20	Children with Special Needs
406.21	School Age Children
406.22	Children Under 30 Months of Age
406.23	Night Care
406.24	Records and Reports
406.25	Confidentiality of Records and Information
406.26	Cooperation with the Department
406.27	Severability of This Part

APPENDIX A Meal Pattern Chart for Children 0 to 12 Months of Age

APPENDIX B Meal Pattern Chart for Children Over One Year of Age

APPENDIX C Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Day Care Home

APPENDIX D In-service Training

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], and Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2].

SOURCE: Adopted and codified at 7 Ill. Reg. 7855, effective July 1, 1983;

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amended at 8 Ill. Reg. 24951, effective January 1, 1985; amended at 9 Ill. Reg. 2454, effective March 1, 1985; emergency amendment at 15 Ill. Reg. 15088, effective October 6, 1994, for a maximum of 150 days; modified at 16 Ill. Reg. 2269; amended at 16 Ill. Reg. 7602, effective April 30, 1992; amended at 18 Ill. Reg. 5531, effective April 1, 1994; amended at 19 Ill. Reg. 2765, effective February 23, 1995; amended at 21 Ill. Reg. 4524, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4207, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17047, effective November 1, 2000; amended at 25 Ill. Reg. ~~5714~~ ⁵⁷¹¹, effective ~~1/1/01~~ ^{1/1/00}.

Section 406.2 Definitions

"Access to children" means an employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Adult" means any person who is 18 years of age or older.

"Applicant" means a person living in the residence to be licensed who will be the primary caregiver in the day care home.

"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type which complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10.2])

"Assistant" or "child care assistant" means a person (whether a volunteer or an employee) who assists a licensed home caregiver in the operation of the day care home.

"Attendance" means the total number of children under the age of 12 present at any one time.

"Authorized representative of the Department" means the licensing representative or any person acting on behalf of the Director of the Department.

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over that which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their

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criminal history records, as appropriate; ~~or via a EBABS-check-of persons-age-13-through-17~~; and

- a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the Statewide Child Sex Offender Registry.

"Basement" means the story below the street floor where occupants must traverse a full set of stairs, eight or more risers, to access the street floor.

"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Department.

"Caregiver" means the individual directly responsible for child care.

"Children with special needs" means children who exhibit one or more of the following characteristics, ~~which--is~~ confirmed by clinical evaluation:

Visual impairment: the child's visual impairment is such that development to full potential without special services cannot be achieved.

Hearing impairment: the child's residual hearing is not sufficient to enable him or her to understand understanding the spoken word and to develop language, thus causing extreme deprivation in learning and communication, or a hearing loss is exhibited that which prevents full awareness of environmental sounds and spoken language, limiting normal language acquisition and learning.

Physical or health impairment: the child exhibits a physical or health impairment that which requires adaptation of the physical plant.

Speech and/or language impairment: the child exhibits deviations of speech and/or language processes that which are outside the range of acceptable variation within a given environment and which prevent full social development.

Learning disability: the child exhibits one or more deficits in the essential processes of perception, conceptualization, language, memory, attention, impulse control or motor function.

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be considered part of the overall premises, such as adjacent apartments, unattached garages, and other unattached buildings.

"Grade-level" means not more than 4 feet above or 4 feet below ground level.

"Ground level" means that a child can step directly from the exit onto the ground, a sidewalk, a patio, or any surface that which is not above or below the ground.

"Guardian" means the guardian of the person of a minor. (Section 2.03 of the Child Care Act of 1969 [225 ILCS 10/2.03])

"Infant" means a child through 12 months of age.

"Initial background check" means fingerprints have been obtained for a criminal history check, and the individual has cleared a check of the Child Abuse and Neglect Tracking System (CANVS) and the Statewide Child Sex Offender Registry.

"License" means a document issued by the Department that which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant" means for purposes of background checks, means the operator or persons with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969 [225 ILCS 10/4.4])

"License study" means the review of an application for license, on-site visits, interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Licensed capacity" means the maximum number of day-care children receiving child care under age 12 permitted in the home at any one time. Children age 12 and over on the premises are not considered in determining license capacity.

"Licensing representative" means a person persons authorized by the Department under Section 5 of the Child Care Act of 1969 to examine facilities for licensure.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the

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Behavioral disability: the child exhibits an effective disability and/or maladaptive behavior that which significantly interferes with learning and/or social functioning.

Mental impairment: the child's intellectual development, mental capacity, and/or adaptive behavior are markedly delayed. Such mental impairment may be mild, moderate, severe or profound.

"Consultants" means those individuals providing technical assistance or advice regarding any aspect of the operation of the day care home.

"Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. (Section 2-5 of the Criminal Code of 1961 [720 ILCS 5/2-5])

"Cot" means a comfortable, safe and child-sized alternative bed made of resilient, fire retardant, sanitizable fabric that is on legs or otherwise above the floor, and can be stored to allow for air flow.

"Day care homes" means family homes which receive more than 3 up to a maximum of 12 children for less than 24 hours per day. The maximum of 12 children includes the family's natural, foster, or adopted children and all other persons under the age of 12. The term does not include facilities which receive only children from a single household. (Section 2.18 of the Child Care Act of 1969 [225 ILCS 10/2.18])

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)

"Discipline" means the process of helping children to develop inner controls so that they can manage their own behavior in socially acceptable ways.

"Disinfect" means to eliminate virtually all germs from inanimate surfaces through the use of chemicals or physical agents (e.g., heat). In the child care environment, a solution of 1/4 cup household bleach chlorine bleach added to one gallon of water (or one tablespoon bleach to one quart water) and prepared fresh daily is an effective disinfectant for environmental surfaces and other objects. A weaker solution of 1 tablespoon bleach to 1 gallon of cool water is effective for use on toys, eating utensils, etc. Commercial products may also be used.

"Family home" or "family residence" means the location or portion of a location where the applicant and his or her family reside. It does not include other structures that are separate from the home but may

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household address.

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority that which is punishable solely as a petty offense. (See Section 6-601 of the Illinois Driver Licensing Law [625 ILCS 5/6-601].)

"Parents" as used in this Part, means those persons person(s) assuming legal responsibility for care and protection of the child on a 24-hour basis; includes guardian or legal custodian.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a two-month period to allow the individuals individual(s) to become eligible for a license.

"Person" means any individual, group of persons, agency, association, or organization.

"Persons subject to background checks" means:

- the operators operator(s) of the child care facility; and
- all current and conditional employees of the child care facility; and
- any person who is used to replace or supplement staff; and
- any person who has access to children, as defined in this Section.

If the child care facility operates in a family home, the license applicant(s) and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

"Physician" means a person licensed to practice medicine in the State of Illinois or a contiguous state.

"Premises" means the location of the day care home wherein the family resides and includes the attached yard, garage, and any other outbuildings out-buildings.

"Program" means all activities provided for the children during their hours of attendance in the day care home.

"Protected exit from a basement" means an exit that which is separated

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from the remainder of the day care home by barriers (such as walls, floors, or solid doors) providing one-hour fire resistance. The separation must be designed to limit the spread of fire and restrict the movement of smoke.

"School age" means children from 6 to 12 years of age and 5 five year olds who are in full-day kindergarten.

"Special use areas" means areas of the home that which may not be included in the measurements of the area used for child care. Special use areas include, but are not limited to, laundry rooms, furnace rooms, bathrooms, hazardous areas, and areas off-limits to children.

"Story" means that level of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

"Street floor" means a story or floor level accessible from the street or from outside a building at ground level, with the floor level at the main entrance located not more than 4 risers above or below the ground level and arranged and utilized to qualify as the main floor.

"Supervising agency," as used in this Part, means a licensed child welfare agency, a licensed day care agency, or the Department.

"Swimming pool" means any natural or artificial basin of water intended for public swimming or recreational bathing which exceeds two feet-six inches 2'6" in depth as specified in the Illinois Swimming Pool and Bathing Beach Act and Code (77 Ill. Adm. Code 820). The term includes bathing beaches and pools at private clubs, health clubs, or at private residences when used for children enrolled in a child care facility.

"Wading pool" means any natural or artificial basin of water less than two-feet-six inches 2'6" in depth that which is intended for recreational bathing, water play or similar activity. The term includes recessed areas less than 2'6" two-feet-six inches in depth in swimming pools that which are designated primarily for children.

(Source: Amended at 25 Ill. Reg. 5714 ==, effective APR - 1 2001)

Section 406.4 Application for License

- a) A complete application shall be Application for license as a day-care home shall be completed, signed by the day-care home applicant(s), and filed with the Department of Children and Family Services by the supervising agency on forms prescribed and provided by the Department.

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- b) A complete application shall include: Applicant(s) shall provide the supervising agency:

- 1) a completed, signed and dated Application for Home License;
- 2) the names, addresses and telephone numbers of at least three--(3) adults--not related to them who can attest to their character and suitability to provide child care;
- 3) a list of persons who will be working in the day care home, including any substitutes and assistants, and members of the household age 13 and over; and
- 4) completed complete, signed and dated authorizations to conduct background check for applicants, each employee or person used to replace or supplement staff, and each member of the household age 13 and over;

- 5) a completed, signed and dated Family Home Information form;
- 6) a completed, signed and dated Child Support Certification form;

- 7) the names, addresses and telephone numbers of at least 3 adults not related to the applicants who can attest to their character and suitability to provide child care.

- c) The supervising agency shall study each day care home under its supervision before recommending issuance of a license. The licensing study shall be conducted by a licensing representative and shall be reviewed and approved by his/her supervisor. Supervisory approval indicates recommendation for license or denial of a license and compliance or non-compliance with the standards prescribed by this Part. The study shall be in writing and shall be signed by the licensing representative performing the study and by his/her supervisor. The applicant shall receive a copy of the results of the on-site compliance review license study upon written request and payment of copying costs.

- d) A new application shall be filed when any of the following occurs:
- 1) When an application for a license has been withdrawn, and the licensee or agency seeks to reapply; or

- 2) When there is a change in the name of the licensee, the location of the day care home, or the supervising agency; or

- 3) When there is a change in the status of joint licensees, such as separation, divorce or death; or

- 4) Not sooner than 12 months after the Department has revoked or refused to renew a license and a new license is sought.

- e) Approval of the supervising agency is required to effect changes in the license capacity or the ages of children served in conformance with the requirements of Section 406.13.

(Source: Amended at 25 Ill. Reg. 5714--2, effective APR - 7/00)

Section 406.5 Application for Renewal of License

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- a) Application forms for license renewal shall be mailed to day care home licensees by the supervising agency 5 three months prior to the expiration date of the license.

- b) The completed application shall be signed by the licensee licensee(s) and submitted to the supervising agency no later than 3 months 30-days from the date mailed to licensee licensee(s) to be considered timely and sufficient.

- c) When a licensed day care home seeks to change its name, location, or supervising agency, a new application reflecting the changes change(s) must be completed, signed by the licensee licensee(s) and submitted to the supervising agency 30 thirty days prior to the effective date of the changes change(s) for the application to be considered timely and sufficient.

- d) When a license has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to thirty (30) days until the final Department decision has been made (Section 5 of the Act). Upon a showing of good cause by the licensee supervising agency or the Department, the Department shall further extend the period in which such decision must be made in individual cases for up to 30 days. Good cause includes but is not limited to shortages of staff or the absence of the licensee(s) from the day care home. Both the request for the second extension and the Department's decision on that request shall be in writing.

- e) Upon receipt of the application for license renewal, the supervising agency shall conduct a license study in order to determine that the day care home continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The licensee licensee(s) shall receive a copy of the results of the on-site compliance review license study upon written request and payment of copying costs.

(Source: Amended at 25 Ill. Reg. 5714--2, effective APR - 7/00)

Section 406.6 Provisions Pertaining to the License

- a) The licensee shall be a primary caregiver of caregivers who reside in the family home and meet the requirements of this Part.

- ba) A day care home license is valid for one year unless revoked by the Department or voluntarily surrendered by the licensee.

- cb) The number of children under age 12 cared for in the day care home at any one time shall not exceed the license capacity. However, the caregiver may accept one additional school-age child in accordance with Section 406.13(e), as long as the total number of children in the

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- home under age 12 does not exceed 12 children.
- de) The age limits specified on the license shall be observed, unless the licensee has submitted a transition plan to the Department in accordance with Section 406.13(f) in order to keep members of a sibling group together and the Department has approved the plan.
- ed) Child care may be provided only in those areas specified on the license.
- fe) The license is valid only for the family residence of the licensee and shall not be transferred to another person or other legal entity.
- gf) The license shall not be valid for a name or location other than the name and location on the license.
- hg) The license shall be prominently displayed in the home at all times.
- ih) There shall be no fee or charge for the license.

(Source: Amended APR - 1 2001 at 25 Ill. Reg. 5714 -- effective

Section 406.7 Provisions Pertaining to Permits

- a) A permit shall not be issued until:
- 1) The application for license has been completed and signed by the applicants ~~applicant(s)~~ and submitted to the Department;
 - 2) The background checks required by Section 406.9 have been completed and the results of the background check have been received for the operator of the day care home;
 - 3) Medical reports as required in Section 406.24(b) have been received by the Department for all caregivers and assistants;
 - 4) The applicant who is the primary caregiver has been certified in first-aid, the Heimlich maneuver, and infant/child cardiopulmonary resuscitation (CPR) in accordance with Section 406.9(k);
 - 5) Character references have been requested, and at least two favorable references have been received and the results of the background check have been received for the operator of the day care home;
 - 6) A personal visit to the home by a licensing representative has been completed. The purpose of this visit is to determine compliance with all licensing requirements except the examination reports and well contact tests compliance that may be completed within the 2 ~~two~~ month period covered by the permit. However, when well water testing is required, applicants must agree to boil all drinking and cooking water and to provide only bottled water for children under 15 months of age until the test results are received; and
 - 7) A written plan has been submitted to the licensing representative that which indicates that requirements for a license shall be met within the 2 ~~two~~ month permit period.

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- b) A permit shall not be issued retroactively.
- c) Permits shall not be transferred to another person or other legal entity.
- d) Permits shall not be valid for a name or location different from the name and location shown on the issued permit.
- e) Permits shall not be renewable.
- f) A current permit shall be available in the day care home at all times while the home is operating under a permit.
- g) A license shall be issued at any time within the 2 ~~two~~ month period covered by the permit provided that the day care home achieves and maintains compliance with the Department's licensing standards.
- h) The day care home shall adhere to the provisions or restrictions specified on the permit.
- i) There shall be no fee or charge for the permit.

(Source: Amended APR - 1 2001 at 25 Ill. Reg. 5714 -- effective

Section 406.8 General Requirements for Day Care Homes

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
- 1) The home shall have a first aid kit consisting of adhesive bandages, scissors, syrup of ipecac, thermometer, non-permeable gloves, Poison Control Center telephone number (800-942-5869), band-aid sterile gauze pads, adhesive tape, tweezers and mild soap. Syrup of ipecac shall only be dispensed upon direction from a physician or the Poison Control Center.
 - 2) The kitchen shall be equipped with an operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.
 - 3) Electrical outlets that are within reach of children under 3 years of age shall have protective coverings. There shall be no exposed or uninsulated wiring.
 - 4) The home shall be equipped with a minimum of one approved smoke detector and operating on every floor level, including the basement and attic. A smoke detector in operating condition shall be installed within ~~fifteen~~-4 15 feet of rooms where children ~~whenever~~ nap or sleep. The detector shall be installed on the ceiling and at least 6 inches from any wall or on a wall located between 4 and 6 inches from the ceiling. In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story. Further, in any facility constructed after December 31, 1997, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be

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installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit. Further, in any facility constructed after December 31, 1989, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit. (Section 2 of the Facilities Requiring Smoke Detectors Act (425 ILCS 10/2)) For purposes of this subsection (a)(1), "substantial remodeling" represents more than 15% of the replacement cost of the day care home. Compliance with any applicable Federal, State or local law, rule or building code which requires the installation and testing of smoke detectors in day care facilities, and this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section. (Section 2 of the Facilities Requiring Smoke Detectors Act (425 ILCS 10/2))

5) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a day care home during the hours that child day care is provided.

6) Facilities in which a wood-burning stove or fireplace has been installed and which is used during the hours that child day care is provided shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use. *Furnish a written statement certifying its safety from the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf. Such statement shall be provided upon initial application for licensure and subsequent applications for license renewal.*

7) When the basement area may be used for child care, 2 two exits shall be provided. At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that which allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 eight feet high. A second exit may be a window operable from the inside without the use of tools that which provides a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area. If the window is used as a second exit, the bottom of the window opening shall be no net more than 44 inches above the floor. When the bottom of the window opening is greater than 24 inches above the floor, there shall be a permanently affixed, sturdy ramp or

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stairs located below the window to allow speedy access in the event of an emergency. If the basement area does not meet these exiting requirements, the basement may be used for child day care only with the prior written approval of the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf. *Basements which have been approved for day care use in currently licensed day care homes are permitted one year from the effective date of these amendments to comply with these basement-exiting requirements.*

8) All walls and surfaces shall be free from chipped or peeling paint.

9) Walls of rooms that children use shall be maintained free of lead paint.

10) Furniture and equipment shall be kept in safe repair.

11) *First aid first-aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for including but not limited to coins, balloons, can cause choking including but not limited to coins, balloons, safety pins, marbles, Styrofoam (trademark) and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.*

12) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.

13) *Handguns are prohibited on the premises of the day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the day care home.*

14) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (a)(13) above, shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children. Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*

15) *The operator of the home shall notify the parents, parent(s) or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents, parent(s) or guardian that such firearms and ammunition are locked in storage inaccessible to children. (Section 7 of the Act) Such notification need not disclose the location where the firearms and ammunition are stored.*

16) There shall be written plans for immediate evacuation in case of emergency. The evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route. Monthly fire drills shall be conducted for the purpose of

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removing children from the home as quickly as possible. Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in the event of a tornado. Records shall be maintained of the dates and times required drills are conducted.

17) Exit doors shall be kept clear of equipment and debris at all times.

18) In the event of a fire, the day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.

19) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (1-800-942-5969) and other emergency numbers shall be posted in an area that is readily available in an emergency.

20) All in-ground or above-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 3/4 feet in height and secured by a locked gate. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3 1/2 foot fence shall be considered in compliance with the fence requirement.

21) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3 1/2 foot fence shall be considered in compliance with the fence requirement.

22a) Portable wading pools shall be emptied daily and disinfected ~~cleaned~~ with a germicide solution before being air-dried.

23) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.

24) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.

b) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and shall be reasonably safe from hazards.

c) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be ~~disinfected~~ ~~cleaned~~ daily with a germicide solution unless plastic liners are used and disposed of daily.

d) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to relicensing. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 13

months of age infants.

e) Hot and cold running water shall be provided. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.

f) Insect and rodent control shall be maintained.

1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.

2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used ~~applied in areas accessible to children~~ when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.

g) Healthy household pets that which present no danger to children are permitted.

1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.

2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.

3) There shall be careful supervision of children who are permitted to handle and care for the animals.

4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.

5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous, and conflicting snakes, undomesticated cats and dogs, raccoons, and other animals determined to be dangerous by local public health authorities.

h) Indoor space shall consist of a clean, comfortable environment for children.

1) The day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.

2) The dwelling shall be kept clean, sanitary, and in good repair. There shall be provision for isolating a child who becomes ill or who is suspected of having a contagious disease.

4) When used for child care, basement floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not acceptable as a protective covering.

5) When children under 30 months of age are in care, stairs leading to second level, attics or basements shall be fitted with a study gate, door or other barrier to prevent the children's

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access to stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary. licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. When the license capacity of the home exceeds eight children, there shall be:

- 1) A minimum of 35 square feet of floor space per each child in care, and
- 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage for the bedding materials and the bedding materials are removed before and after naptime.
- 3) No person may smoke tobacco in any area of the day care home in which day care services are being provided to children, while those tobacco are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed motor vehicle, to children who are receiving child day care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided. 1225 ILCS 10/5.1) There shall be safe outdoor space for active play.

- 1) Space shall be provided for play in yards, nearby parks or playground under adult supervision.
- 2) Space shall be protected by physical means or by adult caregiver supervision against all hazards such as pools, ponds, standing water, traffic and custodial equipment.
- 3) Play areas shall be well drained and safely maintained.
- 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care home premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.

- A) Openings in exercise rings shall be smaller than 4 1/2 inches or larger than 9 inches in diameter.
- B) There shall be no openings in a play structure with a dimension between 3 1/2 inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.
- C) Distances between vertical slats or poles, where used, must be 3 1/2 inches or less (to prevent head entrapment).
- D) No opening shall form an angle of less than 55° unless one leg of the angle is horizontal or slopes downward.
- E) No openings shall be between 3/8 inch and one inch in size

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(to prevent finger entrapment).

- 5) The use of a trampoline by children in care is prohibited.
- 6) If public parks or playgrounds are used for play, the children shall be closely supervised by the caregiver beginning during play and while traveling to and from the area.

25) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 406.9 below.

- 1) Operation of other business on the premises must not interfere with the care of children.
- m) A day care home may not house bedridden or chronically ill persons except by permission of the supervising agency. The supervising agency shall grant such permission unless the person has a contagious or a reportable communicable disease or requires care that which adversely affects the ability of the caregiver beginning to supervise children.

(Source: Amended at 25 Ill. Reg. 5714 effective APR - 1/2001)

Section 406.9 Characteristics and Qualifications of the Day Care Family

- a) No individual may receive a license from the Department when the applicant, a member of the household age 13 and over, or any individual who has access to the children cared for in a day care home, or any employee of the day care home, has not authorized the background check required by 89 Ill. Adm. Code 385r [Background Checks] and been cleared in accordance with the requirements of Part 385.
- b) Employees subject to background checks may begin employment on a conditional basis while awaiting the results of the background check. Such employees may not be alone with children until the results of the initial background check have been received.
- c) Persons who have been the perpetrator of certain types of child abuse or neglect or who have committed or attempted to commit certain crimes may not be licensed to operate a day care home, be a member of the household of a family home in which a day care home operates, or be an employee or volunteer in a day care home. These allegations/criminal convictions are listed in Appendix C of this Part.
- d) Day care homes shall be responsible for ensuring that persons subject to criminal background checks make themselves available for fingerprinting when scheduled by the Department or its authorized representatives. Failure of a person subject to criminal background checks to appear for scheduled fingerprinting may result in the denial of a license application or refusal to renew or revocation of an existing license unless the child care facility can demonstrate that it took reasonable measures to insure cooperation with the fingerprinting process. Adequate cause for failure to appear for fingerprinting includes, but is not limited to:

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- 1) death in the family of the person;
- 2) serious illness of the person or illness in the person's immediate family; or
- 3) weather or transportation emergencies.

e) As a condition of licensure, each licensee or license applicant must *certify under penalty of perjury that he or she is current or not more than 30 days delinquent in complying with a child support order. Failure to so certify may result in a denial of the license application, refusal to renew the license, or revocation of the license.* (Section 10-65(c) of the Illinois Administrative Procedure Act. (5 ILCS 100/10-65(c))

f) If the licensees ~~licensees~~ or license applicants ~~applicant~~ acknowledge that they are more than 30 days delinquent in complying with an order for child support or, upon completion of the background check, the licensees ~~licensees~~ or license applicants ~~applicant~~ are found to be delinquent despite their certification, the Department shall deny the application for licensure, refuse to renew the license, or revoke the license unless the licensees ~~licensees~~ or license applicants ~~applicant~~ arrange for payment of past due and current child support and pay child support in accordance with that agreement. Members of the household who have contact with the children in care shall treat them with respect, courtesy, and patience.

g) The beginning is responsible for the day-to-day operation of the day care home in accordance with the standards prescribed in this part.

h) The caregivers ~~beginnings~~ in a day care home shall be at least 18 years of age.

i) The caregivers and all members of the household shall provide medical evidence as required by Section 406.24(h) that they are free of reportable communicable disease, and, in the case of caregivers, free of physical or mental conditions that ~~which~~ could interfere with the child care responsibilities.

j) The licensee who is the primary caregiver shall be certified in ~~first-aid, the Heimlich maneuver and infant/child cardiopulmonary resuscitation (CPR) by the American Red Cross, the American Heart Association or other entity approved by the Illinois Department of Public Health.~~

(*) During the hours of operation of the day care home, there shall be at least one person on the premises certified in ~~first-aid, the Heimlich maneuver and infant/child cardiopulmonary resuscitation (CPR) by the American Red Cross or the American Heart Association, or other entity approved by the Illinois Department of Public Health.~~ caregivers ~~caregiver~~ shall have on file current certificates attesting to the training. ~~Currently-licensed day care homes have six months to obtain the required certification in first-aid.~~

m) Through interaction with the licensing representative, children, parents ~~parents~~ or guardian of children in care and operation of the day care home in accordance with standards prescribed by this part, caregivers shall exhibit competence in the following specific areas:

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- 1) Knowledge of basic hygiene, safety, and nutrition.
- 2) The ability to relate comfortably with parents and to communicate with them on differences in caregiving methods, values, and goals.
- 3) The ability to communicate with children.
- 4) The ability to set realistic controls for children and to enforce these without harshness or physical abuse.
- 5) Knowledge of the child's need to explore and manipulate and the willingness to provide and maintain a home where children can enjoy living and learning.

nn) The caregivers ~~beginnings~~ may not be employed outside the home during the hours that child care is being provided.

o) The caregivers shall complete 15 clock hours of in-service training per calendar year in accordance with the requirements in Appendix D.

1) Such training may be derived from programs offered by any of the entities identified in Appendix D.

2) Courses or workshops to meet this requirement include, but are not limited to, those listed in Appendix D.

3) The records of the day care home shall document the training in which the caregiver has participated, and these records shall be available for review by the Department.

(Source: Amended at 25 Ill. Reg. 5714 --, effective APR - 1 2001)

Section 406.10 Qualifications for Assistants

a) Assistants shall have passed the background check in Section 406.9(a). Assistants shall be at least 14 years of age and at least 5 ~~five~~ years older than the oldest child they supervise. Minor assistants shall be employed in accordance with 56 Ill. Adm. Code 2507 [Illinois Child Labor Law].

c) Assistants under age 18 shall work under the direct personal supervision of the caregiver at all times. Direct personal supervision means the caregiver maintains audible or visual contact with the assistant and children on the premises at all times.

d) An assistant 18 years of age or older may accompany children playing outdoors, and may transport children, if the assistant possesses a valid driver's license for the vehicle classification that is being used to transport children and insurance.

e) Assistants shall provide medical evidence as required by Section 406.24(h) that they are free of reportable communicable disease and physical or mental conditions that could interfere with child care responsibilities.

fe) The assistant shall be compatible with the caregiver, capable of following directions, and responsive to supervision.

gf) The child care assistant shall be able to relate well with children.

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(Source: Amended at 25 Ill. Reg. 5714, effective 5/1/01)

Section 406.13 Number and Ages of Children Served

- The maximum number of children cared for in a day care home shall be 12 children under the age of 12, including the caregiver's own children, related children, and unrelated children.
- A caregiver beginning alone may care for:
 - A mixed age group consisting of:
 - Up to 8 eight children under the age of 12, of which which
 - Up to 5 five children may be under the age of 5 five, of which
 - Up to 3 three children may be under 24 months of age.
- A mixed age pre-school group consisting of:
 - Up to 8 eight children under the age of 12, of which
 - Up to 6 six children may be under the age of 5 five, of which
 - Up to 2 children may be under 30 months of age No child may be under age three.
- A school age group consisting of 8 eight school age children, as defined in Section 406.2.

- In addition to the children who may receive child day care in accordance with subsection (b) above, a caregiver day-care-home may accept 4 ~~four~~ additional children who are attending school full-time if a before and/or after school assistant is employed. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer. The assistant shall be present at all times when school children are present and there are more than 8 children in the home.
- A caregiver beginning and an assistant may care for a total of 8 eight children under 5 five years of age of which up to five children may be under 24 months of age. Four additional children who are attending school full-time may be accepted for care only if the assistant is age 18 or over. The total number of children under the age of 12 in the home shall not exceed the maximum of 12 children. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer.
- In the event of a brief unforeseen school closing, the caregiver beginning may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 12 children. The caregiver beginning shall maintain a record of the dates, names and ages of the children for whom this care was provided.
- When the acceptance of siblings of children who are already in care

will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan that shall which will be submitted to the licensing representative for review and approval. The plan may be approved when:

- The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards;
- At least one of the siblings has been in care for 30 days or more;
- The transition plan will bring the home back into compliance with the established age groupings within 6 months after of the date the plan is approved.

9) ~~Parents, licensed as of the effective date of these amendments who are in full compliance with the standards of this Part may request an increase in license capacity to the maximum of 12 children. A decision regarding the increase in capacity shall be rendered within 30 days of receipt of the request. Decisions shall be made in accordance with the amended standards of this Part.~~

(Source: Amended at 25 Ill. Reg. 5714, effective 5/1/01)

Section 406.14 Health and Medical Care

- The caregiver shall conduct a daily, pre-admissions screening to determine if the child has obvious symptoms of illness. If symptoms of illness are present, the caregiver shall determine whether or not to provide care for the child, depending upon the apparent degree of illness, other children present, and facilities available to provide care for the ill child.
- Children ~~exhibited~~ with diarrhea and those with a rash combined with fever (oral temperature of 101 100 degrees Fahrenheit or higher) or under the arm temperature of 100 degrees Fahrenheit or higher) shall not be admitted to the day care home while these symptoms persist, and shall be removed as soon as possible should these symptoms develop while the child is in care.
- A medical report, on forms prescribed by the Department, shall be on file for each child and shall be dated no earlier than 6 months prior to enrollment.
 - The medical report shall be valid for 2 two years, except that subsequent examinations for school-age children shall be in accordance with the requirements of Section 27-8.1 of the School Code [105 ICS 5/27-8.1] provided copies of the exam are on file at the facility.
 - Unless the examining physician has made a determination that it is unnecessary, a tuberculin skin test by the Mantoux method and the results of that test shall be included in the initial examination for all children who have attained one year of age, or at the age of one year for children who are enrolled before

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their first birthday. The tuberculin skin test by the Mantoux method shall be repeated when the children begin elementary and secondary school, unless the examining physician makes a determination that the test is unnecessary. ~~A tuberculin skin test shall be included in the initial exam only. The test shall be administered by the Mantoux method in accordance with the rules of the Illinois Department of Public Health.~~

- 3) The initial examination shall show that children from the ages of one to 6 years have been screened for lead poisoning for children residing in an area defined as high risk by the Illinois Department of Public Health in its Lead Poisoning Prevention Code (77 Ill. Adm. Code 845) or that a lead risk assessment has been completed for children residing in an area defined as low risk by the Illinois Department of Public Health. ~~Screening for lead poisoning for children residing in an area defined as high-risk by the Illinois Department of Public Health or completion of lead-risk assessment for children residing in an area defined as low-risk by the Illinois Department of Public Health (see 77 Ill. Adm. Code 845; Lead Poisoning Prevention Code) shall be completed for children age six and below in accordance with the rules of the Illinois Department of Public Health (77 Ill. Adm. Code 665; Child Health Examination Code).~~
- 4) The report shall indicate that the child has been immunized as required by the rules of the Illinois Department of Public Health for immunizations (77 Ill. Adm. Code 695). These required immunizations are poliomyelitis, measles, rubella, diphtheria, mumps, pertussis, tetanus, hepatitis B, and haemophilus influenzae B.
- 5) In accordance with the Child Care Act of 1969, ~~as amended~~, a parent may request that immunizations, physical examinations, and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing, signed by the parent, and kept in the child's record.
- 6) Exceptions made for children who for medical reasons should not be subjected to immunizations or tuberculin tests shall be indicated by the physician on the child's medical form.

- d) A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the Illinois Department of Public Health's General Procedures for the Control of Communicable Diseases (77 Ill. Adm. Code 690.1000) shall be excluded from the home until the Illinois Department of Public Health or local health department authorized by it states, in writing, that the communicable, contagious or infectious stage of the disease has passed and that the child may be re-admitted to the day care home.
- e) Necessary medications shall be administered according to specific written instructions provided by the child's parents or guardians.

- 1) Prescription medicine labels must bear the child's name, the

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physician's name, the name of the drug store or pharmacy, prescription number, date of the prescription, and directions for administering.

- 2) Non-prescription medication may be administered upon written parental permission that ~~which~~ specifies the duration and frequency of medication. Such medication shall be administered in accordance with package instructions, and, except for aspirin and aspirin substitutes, shall be labeled with the child's name and dated.
- 3) There shall be a signed statement by the child's parent or guardian giving permission to the caregiver to administer medication to the child.
- 4) The caregiver shall maintain a record of the dates, hours and dosages that ~~which~~ are given.
- 5) Medication shall be returned to the parents ~~parent(s)~~ when it is no longer required. Additionally, medication provided for a child no longer cared for in the facility and medication that ~~which~~ has reached its expiration date shall be destroyed.
- 6) Medical services, such as direct medical care to the child, shall be administered as required by a physician, subject to the receipt of appropriate releases from parents.
- f) In order to reduce the risk of infection or contagion to others, space must be provided in the day care home for the isolation and observation of a child who becomes ill. An ill child shall be provided a bed or cot away from other children and a caregiver or assistant shall supervise the child at all times he/she is in the home.
- g) When a day care home admits ill or injured children, a plan for the care of such children must be agreed upon with the parents ~~parent(s)~~ to assure that the needs of the children for rest, attention, personal care and administration of prescribed medication are met. No child requiring exclusion from the home in accordance with 77 Ill. Adm. Code 690 may be admitted.
- h) Personal hygiene standards, such as the following, shall be observed:
 - 1) Each child shall be provided with an individual towel, washcloth, and drinking cup. Single-use, disposable articles are acceptable.
 - 2) A separate sleeping arrangement, such as a bed, cot, crib, or playpen with individual bedding, shall be provided for each child who naps or sleeps while in care. A twin size bed may be used for 2 children under age 4, provided each child shall have individual sheets.
 - A) The bed shall be kept in a clean and sanitary condition at all times, and bedding shall be suitable for the season.
 - B) Family beds may be used for children if separate linens are used.
 - C) Rubber sheets shall be used when necessary.
- 3) The caregiver shall require parents to supply clothing suitable

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- to weather conditions, as well as a complete change of clothing in case of need.
- 4) Caregivers and children shall use soap and water to wash ~~and--dry~~ their hands before meals, after toileting, after diaper changing, and after contact with respiratory secretions. Caregivers shall always supervise children's handwashing to ensure that children are not scalded by hot water.
 - 5) Open cuts, sores or lesions on caregivers ~~caregiver(s)~~ or children ~~child(ren)~~ shall be covered.
 - 6) Caregivers shall wash their hands with soap and water prior to food preparation and after any physical contact with a child during food preparation. Hands shall be dried using single-use towels.
 - 7) Sheets shall be changed when soiled and at least weekly.
 - 8) Clothing soiled due to toilet accidents shall be changed immediately.
- i) Caregivers ~~Caregiver(s)~~ shall take reasonable measures to reduce the spread of communicable disease among children in the facility by observing such procedures as:
- 1) Using only washable toys with diapered children child(ren);
 - 2) Washing washable toys at least once per day;
 - 3) Cleaning facility-provided stuffed toys;
 - 4) Washing toys mouthed by one child before they are used by another child; and
 - 5) Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.
- j) There shall be an emergency plan for each child in case of accident or sudden illness.

- 1) The caregiver shall have available at all times the name, address, and telephone number where the child's parents or guardian, relative, friend, or physician, and the Department can be reached.
- 2) There shall be a planned source of readily available emergency medical care; a hospital emergency medical room, clinic, or the child's physician.
- 3) When the caregiver accompanies a child to the source of emergency care, an adult who meets the standards prescribed by Section 406.11, must assume supervision of other children in the home.
- 4) In case of illness or accident, the parent, guardian, or supervising agency responsible for the child shall be notified immediately, and the child shall be removed from the home as soon as possible.

(Source: Amended at 25 Ill. Reg. 5714 effective 1/1/00)

Section 406.15 Discipline of Children

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- a) The caregiver shall use disciplinary measures designed and carried out in such a way as to help individual children develop self-control and assume responsibility for their own acts.
- 1) The caregiver shall establish simple, understandable rules so that expectations and limitations are clear to the child.
 - 2) Discipline shall not be out of proportion to the particular inappropriate behavior.
 - 3) Discipline shall be related to the child's act and be handled immediately by the adult involved so the child is aware of the relationship between acts and consequences.
 - 4) Removal from the group to help a child gain control shall not exceed one minute per year of age. Removal from the group shall not be used for children less than 24 months of age. ~~Removal from the other children as a means of helping a child gain control shall be for a period of time up to 15 minutes.~~
 - b) No child shall be subjected to extreme punishment.
 - 1) No child shall ~~can~~ be subjected to physical punishment, nor can shaming, frightening, or humiliating methods be used.
 - 2) There shall ~~can~~ be no verbal abuse, threats, or derogatory remarks about the child or the child's family.
 - 3) Depriving a child of meals or any part of meals shall never be used as punishment.
 - 4) No child shall be punished for toilet accidents.

(Source: Amended at 25 Ill. Reg. 5714 effective 1/1/00)

Section 406.17 Nutrition and Meals

- a) ~~Meals and snacks served to the children shall be provided by the facility in a quantity and of such quality as to meet the daily nutritional needs of the child.~~
- ab) Food requirements for children between birth and the age of eating table food shall be geared to the individual needs of the child and determined by consultation with the parents. The facility shall provide one-third to two-thirds of the daily nutritional requirements, depending on the length and time of day of the child's stay. The main meal shall be nutritionally balanced conforming to age appropriate portions and variety as reflected in the Meal Pattern Charts, Appendices A and B.
- bc) Children one year of age and older in attendance for more than 2 ~~two~~ but less than 5 ~~five~~ hours shall be served a mid-session snack consisting of one-half cup of pure fruit juice or full-strength canned or frozen fruit juice that ~~which~~ contains at least 30 milligrams of vitamin C per serving, or one to one-half cup of pasteurized milk, or one serving of citrus fruit.
- cd) Children one year of age and older in attendance ~~5~~ five to 10 ~~ten~~ hours shall be served at least one-third of their daily food

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requirements, which shall include a well-balanced, nutritive meal. Occasional picnic-type meals may be substituted for a main meal. Mid-morning and mid-afternoon snacks consisting of fruit, fruit juice, or pasteurized milk (as prescribed under subsection Section 406-17 (c) above) shall be included. Children in attendance for over 10 ten hours shall be served food to provide at least two-thirds of their daily food requirements. Two meals and the supplemental snacks will meet this requirement. One of the meals may be breakfast or supper, depending on the time the child arrives or departs.

d) Children under one year of age who are no longer drinking formula or breast milk shall be served whole milk unless low-fat milk is requested by the child's physician.

e) Children shall be served small servings of bite-size pieces.

f) All meals shall be suitable for children and prepared by methods designed to conserve nutritive value, flavor, and appearance.

g) Children under 2 years of age shall not be fed whole berries, hard candies, raisins, corn kernels, raw carrots, whole grapes, hot dogs, nuts, seeds, popcorn, raw peas or peanut butter, as these foods may cause choking.

h) Cooked carrots, corn, peas and bananas may be served to infants only if mashed, grated or pureed.

i) Hot dogs and raw carrots may be served to children between 2 and 3 years of age only if cut into short, thin strips. Peanut butter shall only be served to children between 2 and 3 years of age if thinly spread on bread, crackers or other foods or if mixed with other foods.

j) The caregiver may allow meals and snacks to be provided by the parent or legal guardian upon written agreement between the parent and caregiver.

1) Food brought into the facility shall have a label showing the child's name, the date, and the type of food.

2) Potentially hazardous and perishable foods shall be refrigerated properly, and all foods shall be protected against contamination.

3) Meals and snacks provided by the parent or legal guardian for his or her own children shall not be shared with other children.

4) The caregiver shall inform the parent or legal guardian of the nutritional requirements of this Part.

5) The caregiver shall have food available to supplement a child's food brought from home if that food is deficient in meeting the nutrient requirements of this Part.

k) Drinking water shall be readily available to the children at all times.

l) Meal times shall be pleasurable experiences for the child.

1) There shall be enough time allowed for meals so the children can eat in an unhurried atmosphere.

2) Children shall be encouraged but not forced to try new foods.

3) Information provided by parents concerning the child's eating habits, food preferences, or special needs should be considered in planning menus.

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- 4) Food preferences and eating habits shall not be permitted to become a source of friction at mealtimes.
- 5) Mealtimes should occur in a social atmosphere and afford children the close presence of an attentive adult.

(Source: Amended at 25 Ill. Reg. 5714, effective 4-1-1991)

Section 406.18 Transportation of Children by Day Care Home

a) Children may be transported only when the child/adult ratios in accordance with Section 406.13 are maintained and the person transporting is ~~by persons~~ 18 years of age or older and has a valid driver's license for the vehicle classification being used. ~~in--the~~ child/adult ratio prescribed in Section 406.13.

b) Caregivers shall be responsible for assuring the safe transport of children.

c) Each child shall be individually fastened into a suitable infant or child restraint device ~~which is federally approved and labeled as such~~ whenever the vehicle is in motion. The restraint shall be federally approved and labeled as such and used in accordance with the manufacturer's instructions. This requirement shall not apply to a child for whom a physician has certified, in writing, that the child has a physical handicap that prevents wearing an appropriate restraint device.

d) While transporting children, the driver shall be responsible for seeing that:

- 1) Each child shall board or leave the vehicle from the curb side of the street, and shall be safely conducted to the home or facility.

- 2) A responsible person as designated by the child's parents ~~parent(s)~~ or guardian shall receive the child when delivered to the home or the facility.

- e) No child shall be left unattended in a vehicle.

- f) The vehicle shall be safely equipped and the caregiver shall comply with State ~~state~~ and local laws pertaining to vehicles.

- 1) The vehicle shall be equipped in accordance with requirements of the Illinois Vehicle Equipment Law Code [625 ILCS 5/Ch. 12] ~~4114-Rev--Stat--1987--chv--95-1/27-12-100-et-seq~~ and local vehicle safety ordinances.

- 2) Evidence of compliance regarding vehicle liability and medical insurance shall be on file with the home records. Evidence may consist of, but is not limited to, a copy of an insurance policy, binder or certificate, or a letter from the insurance carrier.

- 3) The vehicle shall be equipped with safety locking devices on doors and shall be maintained in a mechanically safe condition at all times.

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(Source: Amended at 25 Ill. Reg. 5714-3 effective 1-1-81)

Section 406.22 Children Under 30 Months of Age

a) Children under 30 months of age shall not be permitted in bathrooms, kitchens, or other hazardous areas without the caregiver or assistant present.

b) Children under 30 months of age shall be provided a daily program that is designed to meet their needs.

- 1) The caregiver shall demonstrate warm, positive feelings toward each child through actions such as hugging, patting, smiling, and cuddling.
- 2) Routines such as naps and feedings shall be discussed with the parents and shall be consistent with the child's routine at home.
- 3) Non-mobile children who are awake shall be moved to different positions and shall be held, rocked, and carried about.
- 4) The caregiver shall frequently change the place, position, and toys available for children who cannot move about the room.
- 5) Consistent toilet training shall be undertaken at a time mutually agreed upon by parent and caregiver in accordance with the child's age and/or stage of development.
- 6) Children shall be taken outdoors for a portion of every day, when weather permits, except when the child is ill or unless indicated otherwise by parent or physician.

c) Feeding schedules and procedures shall meet the developmental needs of the children.

- 1) Flexible feeding schedules of children shall be established to coordinate with parents' schedules at home and to allow for nursing.
- 2) To reduce the incidence of avoid sudden infant death syndrome, children who cannot turn over alone shall be placed on their sides or backs when put down to sleep unless contraindicated by a physician. Placing children on their abdomens for any reason shall be avoided, unless specifically instructed by the child's physician to do so.
- 3) Infants shall either be held or be fed sitting up for bottle feeding. Infants unable to sit shall always be held for bottle feeding. ~~Children up to 6 months of age shall be held white-being bottle-fed. Children of more than 6 months may be held if needed. Bottles shall not be propped at any time. When infants are able children are old enough to hold their own non-glass bottles, they may feed themselves without being held. The bottle must be removed when the child has fallen asleep. Bottle propping and carrying of bottles by young children throughout the day/night shall not be permitted.~~
- 4) Bottles shall never be warmed or defrosted in a microwave oven.
- 5) Children shall be allowed and encouraged to feed themselves when

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65) they indicate a readiness to do so.

d) Proper standards of hygiene shall be observed in the home. Safe finger foods such as those that ~~which~~ dissolve in the mouth may be provided.

- 1) Hands shall be washed with soap and water and dried before the feeding of each child.
- 2) If the child's formula is brought in by the parent, it shall be labeled and placed in the refrigerator.
- 3) All utensils shall be washed after each use.
- 4) Foods stored or prepared in jars shall be served from a separate dish for each child. Any leftovers from the serving dish shall be discarded. Leftovers in the jar shall be labeled with the child's name, dated, refrigerated, and served within 24 hours or discarded.

5) A toilet shall be easily accessible so that the contents of reusable diapers may be disposed of before placing the diapers in the diaper pail. Disposable diapers and their contents shall be disposed of in accordance with the manufacturer's instructions.

6) Persons changing diapers shall wash hands under running water with soap after each change of diaper. Hands shall be dried with single-use towels. Additionally, disposable, non-permeable ~~latex~~ ~~rubber~~ or plastic gloves shall be worn when changing a child who has watery or bloody stools.

7) The child whose diaper is ~~diapers are~~ being changed is to be washed on the hands and anal area if there has been defecation or if irritation is present.

8) Children who are not toilet trained shall be diapered in their own cribs, at a central diapering area on a surface that is disinfectant ~~santitized~~ after each use, or on a disposable paper sheet that ~~which~~ is disposed of after each diapering.

9) The toilet seat, if soiled, or potty shall be cleaned after every use.

10) Soiled diapers shall be changed promptly.

11) Sheets shall be changed when soiled, and all sheets shall be changed routinely 2 two times per week.

12) All beds shall be wiped clean as often as necessary.

13) Toys and equipment shall be kept clean.

e) A germicidal solution of 1/4 cup household chlorine bleach to one gallon of ~~one (1) part household chlorine bleach to nine (9) parts water (or one tablespoon bleach to one quart of water) or other~~ germicidal solution approved by the Centers for Disease Control and Prevention shall be used to clean surfaces soiled by blood or body fluids. The bleach solution shall be made fresh daily.

f) The equipment must be appropriate to the developmental needs of the children ~~child~~ in care.

1) Safe, sturdy, well-constructed individual cribs, playpens, or port-a-cribs for infants shall be equipped with good firm, fitting mattresses made of waterproof materials that can be

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- washed. Washable cots may be used for children 15 months of age and over.
- 2) Sleeping equipment for children under 15 months must have protection to prevent falls.
 - 3) There shall be no more than 1 1/2 one-and-one-half inches of space between the mattress and bed frame when the mattress is pushed flush at one corner of the crib.
 - 4) Bed linens used on the cots, cribs, or playpens shall be safe, tightly fitting, and washable.
 - 5) Conveniently located, washable, plastic-lined covered receptacles shall be provided for soiled diapers and linens.
 - 6) A toilet seat or potty shall be provided.

g) The materials must be appropriate to the developmental needs of the child in care.

- 1) Provision shall be made for an adequate supply of individual diapers, clothing, powder, oil, etc.

2) ~~Cribs shall be equipped with brightly-colored--hanging--toys--or mobiles.~~

- 23) There shall be a variety of toys and art materials for children under 30 months of age to observe, grasp, pick up, and manipulate.

34) Pull toys, pounding toys, large hollow blocks, or large balls shall be available for development of large muscles.

- 4) Mobile walkers are prohibited. Stationary walkers may be used. Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to children under 30 months of age. Hazardous or injurious characteristics include sharp, rough edges; toxic paint; and objects small enough to be swallowed.

(Source: Amended at 25 Ill. Reg. 5714 --, effective 1/1/01)

Section 406.23 Night Care

- a) A day care home receiving children for night care shall comply with the standards prescribed for day care homes in addition to the special requirements prescribed in this Section.

b) A child shall be considered to be enrolled in evening and/or night care when a majority of his or her time at the day care occurs between 6:00 p.m. and 6:00 a.m.

c) The child shall be bathed, if needed.

d) No child under 5 years of age is to be left unattended while in the bathtub.

e) Each child must have individual sleeping garments that are clean and comfortable.

f) An individual bed, crib, or cot and individual linen and bedding shall be provided for each child except as provided in this subsection (f).

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herein provided:

- 1) A double bed shall be the minimum size for sleeping 2 two non-enuretic children of the same sex.
- 2) Rubber sheets or suitable substitutes shall be supplied when necessary.

3) If a crib is used there shall be no more than 1 1/2 one-and-one-half--inches of space between the mattress and bed frame when the mattress is pushed flush at one corner of the crib.

g) Caregivers and children receiving night care shall sleep on the same floor (level) of the residence.

n) A basement area may be used for sleeping or napping if it has been approved in accordance with Section 406.8(a)(7).

- 1) A room above the first floor may be used for sleeping or napping if the room has 2 exits with one exit leading directly to the outside with means to safely reach the ground level.

1) There shall be a night light or other mechanism to illuminate hallways leading to stairs and/or the restroom.

<t>1) A child who goes to school from a day care home providing night care shall be clean and properly dressed according to the weather.

1g) Each child shall have individual toilet articles such as comb, toothbrush, towel, and washcloth.

m) Health care routines at bedtime and/or upon rising shall include:

- 1) Brushing teeth at bedtime and upon rising.

2) Brushing or combing the hair upon rising.

n) When possible, children shall be left for care and picked up either before or after their normal sleeping period so that there is minimum disturbance of the children ~~child~~ during sleep.

o) The day care home shall serve meals and snacks that supplement food served at home as prescribed in Section 406.17.

- 1) An evening meal that meets nutritional requirements shall be served at a regular time each evening and shall be available to children who may arrive without having first eaten.

2) A bedtime snack shall be served, unless contraindicated by parents or physician in accordance with Section 406.17(c).

3) Children who remain overnight and go to school directly from the day care home shall have breakfast, including juice or fruit, unless they are receiving breakfast at school.

(Source: Amended at 25 Ill. Reg. 5714 --, effective 1/1/01)

Section 406.24 Records and Reports

- a) Records as required shall be maintained on forms supplied by the Department.
- b) Information about the child and family shall be confidential as

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- required by Section 406.25.
- c) There shall be a record of identifying information on each child received at the time the child is accepted into the home.
- d) A medical report for each child, on forms provided by the Department, shall be maintained at the facility, dated no earlier than 6 months prior to enrollment, and signed by the examining physician or certified by a recognized health facility.
- 1) The medical report shall be valid for two years except that subsequent exams for school age children shall be in accordance with the Illinois School Code requirements, provided that copies of the exam are on file at the facility.
- 2) Unless the examining physician has made a determination that it is unnecessary, a A tuberculin test shall be included in the initial exam and when the child enters elementary and secondary school only.
- 3) The reports shall indicate that the child has been immunized as required by Rules and Regulations of the Illinois Department of Public Health for immunizations. These required immunizations are poliomyelitis, measles, rubella, diphtheria, mumps, pertussis, tetanus, hepatitis B, and haemophilus influenzae B.
- 4) The report shall include a statement on any physical limitations.
- 5) Exceptions made for children who for medical reasons should not be subjected to immunizations or a tuberculin test shall be so indicated by the physician on the child's medical form.
- e) There shall be signed consent forms from the parent or guardian including:
- 1) Permission for emergency medical care and treatment if the parent is not readily available.
 - 2) Permission to administer medication, if applicable.
 - 3) Permission for someone other than parent or guardian to pick up child, if necessary.
 - 4) Visits, trips or excursions off the premises.
 - 5) Transportation provided by caregiver and caregiver assistant, if applicable.
 - 6) Permission to use the facility's swimming pool, if applicable.
- f) The caregiver shall distribute a summary of the licensing standards, provided by the Department, to the parents ~~parent(s)~~ or guardian of each child at the time that the child is accepted for care in the home. A summary of licensing standards shall be issued to the parent(s) or guardian of each child currently in care within sixty (60) days of the effective date of this rule. In addition, consumer information materials provided by the Department including, but not limited to, information on reporting and prevention of child abuse and neglect and preventing and reporting communicable disease, shall be distributed to the parents ~~parent(s)~~ or guardian of each child cared for when designated for such distribution by the Department. Each child's record shall contain a statement signed by the child's parents ~~parent(s)~~ or guardian, indicating that they have received a summary of

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- licensing standards and other materials designated by the Department for such distribution.
- g) In accordance with the Child Care Act of 1969, ~~as amended~~ a parent may request that immunizations, physical examinations, and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing, signed by the parent, and kept in the child's record.
- h) Members of the household, regular substitutes, and assistants shall have a complete physical examination. The medical reports shall be submitted on forms provided by the Department.
- 1) The report shall be based on an examination that which occurred no earlier than 6 months prior to application, with a tuberculin test to be included in the initial exam only. If the skin test is positive, a chest x-ray is required.
 - 2) Immunizations and the tuberculin test for an infant shall be given at the discretion of the physician.
 - 3) The caregivers and assistants shall be found free of communicable diseases and shall be physically and emotionally fit to care for young children.
 - i) The medical report for caregivers, regular substitutes, and assistants shall be valid for 3 years.
 - j) Evidence of freedom from communicable disease or illness may be required at any time for members of the household, regular substitutes and assistants.
 - k) Suspected child abuse and/or neglect shall be reported immediately to the Department in accordance with the Abuse and Neglected Child Reporting Act (325 ILCS 5) immediately.
 - l) The licensee and each each staff person shall sign a statement prescribed by the Department acknowledging his or her status as a mandated reporter of child abuse or neglect under the Abuse and Neglected Child Reporting Act and acknowledging he or she has knowledge and understanding of the reporting requirements under that Act. Such statement shall be signed and dated by the staff person prior to employment, and shall be maintained by the licensee.
 - m) The supervising agency shall be notified immediately by telephone, and in writing within one week, if either of the following situations involving children occurs at the facility:
 - 1) Accident or injury resulting in death or requiring emergency medical care; or
 - 2) Notice is received of legal action against the facility.
 - n) The facility shall promptly report any known or suspected case or carrier of communicable disease to the supervising agency and to local health authorities, and shall comply with the Illinois Department of Public Health's rules for the Control of Communicable Diseases (77 Ill. Adm. Code 690).
 - o) The supervising agency shall be notified immediately by telephone and in writing within one week, of fires or other incidents resulting in structural damage to the day care home. A supervisory visit will be

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

conducted by the supervising agency to determine the safety of the licensed premises in conformance with the other provisions of this Part.

(Source: Amended Act 25 Ill. Reg. **5714** --, effective 1/1/00)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 406. Appendix D In-Service Training

a) Entities that may provide in-service training to meet the requirements of Section 406.9(o) include, but are not limited to:

- 1) colleges and universities
- 2) child care resource and referral agencies
- 3) Illinois Department of Public Health or local health departments
- 4) Office of the State Fire Marshal or local fire department
- 5) Illinois Department of Children and Family Services
- 6) Illinois Department of Human Services
- 7) state or national child care or child advocacy organizations
- 8) national, state or local family day care home associations
- 9) Child and Adult Care Food Program sponsors
- 10) Healthy Child Care Illinois nurses
- 11) American Red Cross, American Heart Association and other providers of first aid and CPR training that have been approved by the Illinois Department of Public Health

b) Topics or courses to meet the in-service training requirements include, but are not limited to:

- 1) child care and child development
- 2) guidance and discipline
- 3) first aid and CPR
- 4) symptoms of common childhood illness
- 5) food preparation and nutrition
- 6) health and sanitation
- 7) small business management
- 8) child abuse and neglect
- 9) working with parents and families

c) In-service training may be acquired through the following:

- 1) attending college or university or vocational school classes (Clock hours spent in the classroom are counted)
- 2) attending conferences or workshops (Certificate or other proof of attendance, clock hours and subject matter is required.)
- 3) attending state or local child care association meetings when a specific training program is provided by a guest speaker or group member (Documentation of attendance, subject matter and clock hour is required.)
- 4) in-home training by a Child and Adult Care Food Program sponsor representative, nurse or other trainer (Documentation must include the topic and the clock hours.)
- 5) self-study materials provided by a child care resource and referral (CCR&R) agency (Certification of clock hours must be secured from the CCR&R.)
- 6) internet home study programs if the internet site provides documentation of use and number of clock hours

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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d) Licensed providers shall meet the following clock hour requirements for in-service training per calendar year:

Calendar Year 2001	7 Hrs. 30 Min.
Calendar Year 2002	12 Hrs.
Calendar Year 2003 and thereafter	15 Hrs.

e) For newly licensed providers, required annual in-service training hours are prorated based on the month of the effective date of license.

1) For newly licensed providers in 2001

Month of License	Training Hours Required
April	7 Hrs. 30 Min.
May	6 Hrs. 45 Min.
June	6 Hrs.
July	5 Hrs.
August	4 Hrs. 15 Min.
September	3 Hrs. 15 Min.
October	2 Hrs. 30 Min.
November	1 Hr. 45 Min.
December	1 Hr.

2) For newly licensed providers in 2002

Month of License	Training Hours Required
January	12 Hrs.
February	11 Hrs.
March	10 Hrs.
April	9 Hrs.
May	8 Hrs.
June	7 Hrs.
July	6 Hrs.
August	5 Hrs.
September	4 Hrs.
October	3 Hrs.
November	2 Hrs.
December	1 Hr.

3) For newly licensed providers in 2003 and thereafter

Month of License	Training Hours Required
January	15 Hrs.
February	13 Hrs. 45 Min.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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March	12 Hrs. 30 Min.
April	11 Hrs. 15 Min.
May	10 Hrs.
June	9 Hrs. 45 Min.
July	7 Hrs. 30 Min.
August	6 Hrs. 15 Min.
September	5 Hrs.
October	3 Hrs. 45 Min.
November	1 Hr. 30 Min.
December	1 Hr. 15 Min.

(Source: Added at 25 Ill. Reg. effective 5714--)

DEPARTMENT OF VETERANS' AFFAIRS

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Admission to and Discharge from Illinois Veterans Homes

2) Code Citation: 95 Ill. Adm. Code 107

3) Section Number: Adopted Action:

107.10 Amendment
107.20 Amendment
107.30 Amendment
107.40 Amendment
107.50 Amendment

4) Statutory Authority: 20 ILCS 2805/2.9

5) Effective Date of Amendment: April 17, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Do these adopted amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 18539 - December 22, 2000

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: Since DVA had no explicit statutory authority to prescribe an age threshold for admitting widows, widowers, and spouses to veterans homes, it omitted this requirement from Sections 107.20 and 107.30.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect?
No

14) Are there any other proposed amendments pending on this Part? No

15) Summary and purpose of amendments: This Part has been amended to update statutory references and change the reference from Superintendent to Administrator and United States Veterans Administration to the Department of Veterans Affairs (USDVA). It also updates the Illinois Veterans' Home admission and discharge requirements to comply with current State statutes, Illinois Department of Public Health regulations, and USDVA

regulations.

16) Information and questions regarding these adopted amendments shall be directed to:

Donald Bullerman
833 S. Spring Street - PO Box 19432
Springfield, IL 62794-9432
(217) 785-7208

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

TITLE 95: VETERANS AND MILITARY AFFAIRS
CHAPTER 1: DEPARTMENT OF VETERANS' AFFAIRSPART 107
ADMISSION TO AND DISCHARGE FROM ILLINOIS
VETERANS HOMES

- Section
107.10 Admission of Veterans
107.20 Admission of a Spouse of a Veteran
107.30 Admission of Widow or Widower of a Veteran
107.40 Admission of an Applicant Discharged or Paroled from a Penal Institution
107.50 Discharge from Homes

AUTHORITY: Implementing and authorized by the Department of Veterans Affairs Act (20 ILCS 2805).

SOURCE: Filed and effective December 15, 1977; amended at 6 Ill. Reg. 5188, effective April 14, 1982; codified at 6 Ill. Reg. 8439; amended at 12 Ill. Reg. 14356, effective August 30, 1988; amended at 25 Ill. Reg. 5756, effective APR 1 1989.

Section 107.10 Admission of Veterans

- a) The Administrator ~~A-Superintendent~~ may admit to an Illinois Veterans Home any honorably discharged ex-service man or woman, provided the applicant:
- 1) Has served in the armed forces of the United States at least 1 day in ~~in--the-Spanish-American-War-World-War-Ir--or-the-Korean-Conflict-or-the-Vietnam--Campaign~~ between the dates recognized by the United States Department of Veterans Affairs (USDAV) Veterans-Administration, see 38 USC 8-8-67- 101 et seq. for specific dates, or between any other present or future dates recognized by the USDAV Veterans-Administration as a war period for purposes of eligibility for domiciliary or nursing home care, or has served on active duty in the armed forces for one year for purposes of eligibility for domiciliary care only; and
 - 2) Has service accredited to the State of Illinois or has been a resident of this State for one year immediately preceding the date of application; and
 - 3) Is disabled by disease, wounds, or otherwise, and by reason of such disability is incapable of earning a living,~~and~~
- 4) ~~Does-not-have-a-condition-that--precludes-his-or-het--being--safely housed-with-aged-or-infirm-persons:~~
- b) Applicants with a history of aggressive or self-abusive behavior may be admitted only if the Home has in place appropriate, effective and individualized programs to manage the resident's behaviors and

DEPARTMENT OF VETERANS' AFFAIRS

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adequate, properly trained and supervised staff to administer the programs (see 77 Ill. Adm. Code 340.1310(C)).

c) An applicant denied admission because of the failure to meet any of the criteria in subsection (a) or (b) ~~any--one-or-more-of-these conditions shall be advised fully of eligibility for care in a Veterans-Administration USDVA, State state, county, or city hospital, or other Home.~~

d) No applicant/resident determined by professional evaluation to be in need of services not readily available in a particular Home or distinct part of a Home, or through arrangement with a qualified outside resource, shall be admitted to or kept in that Home, provided that all involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Illinois Nursing Home Care Act [210 ILCS 45]. The Department defines a "qualified outside source" as one recognized as meeting professional standards for services provided.

e) ~~Before a prospective resident's admission to a Home, the Home shall advise the prospective resident to consult a physician to determine whether the prospective resident should obtain a vaccination against pneumococcal pneumonia [210 ILCS 45/2-213].~~

(Source: Amended at 25 Ill. Reg. 5756, effective APR 1 1989.)

Section 107.20 Admission of a Spouse of a Veteran

- a) The Administrator ~~Superintendent~~ of the Illinois Veterans' Homes Home at Quincy and Anna may admit the spouse of a veteran who is making application, provided the veteran meets the eligibility requirements and the spouse:
- 1) Has been married to the veteran for at least five years prior to making application; and
 - 2) Has no adequate means of support and is unable to earn a living,~~7~~ and
- 3) ~~Does-not-have-a-condition-that--precludes-het-or-his-being--safely housed-with-aged-or-infirm-persons:~~
- b) Preference for filling vacant beds or for filling vacant beds from a waiting list shall first be granted to eligible veterans.
- c) Applicants with a history of aggressive or self-abusive behavior may be admitted only if the Home has in place appropriate, effective and individualized programs to manage the resident's behaviors and adequate, properly trained and supervised staff to administer the programs (see 77 Ill. Adm. Code 340.1310(C)). An applicant denied admission because of any one or more of these conditions shall be advised fully of eligibility for care in a State state, county, or city hospital, or other Home.
- d) ~~Before a prospective resident's admission to a Home, the Home shall advise the prospective resident to consult a physician to determine~~

DEPARTMENT OF VETERANS' AFFAIRS

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whether the prospective resident should obtain a vaccination against pneumococcal pneumonia [210 ILCS 45/2-213].

(Source: Amended at 25 Ill. Reg. 5756 --, effective APR 17 2001.)

Section 107.30 Admission of Widow or Widower of a Veteran

a) The Administrator ~~Superintendent~~ of the Illinois Veterans' Homes at Quincy and Anna Home may admit the widow or widower of a veteran provided the veteran's military service meets the eligibility requirements, vacant beds exist, and the widow or widower:

- 1) Has lived in the State of Illinois for a continuous period of ~~at least~~ one year ~~immediately before~~ ~~prior to~~ making application; ~~and~~
- 2) Has no adequate means of support and is unable to earn a living; ~~and~~
- 3) ~~Does not have a condition that precludes her or his being safely housed with aged or infirm persons.~~

b) Preference for filling vacant beds or for filling vacant beds from a waiting list shall be granted first to eligible veterans.

c) Applicants with a history of aggressive or self-abusive behavior may be admitted only if the Home has in place appropriate, effective and individualized programs to manage the resident's behaviors and adequate, properly trained and supervised staff to administer the programs (see 77 Ill. Adm. Code 340.1310(G)). An applicant denied admission because of any one or more of these conditions shall be advised fully of eligibility for care in a State ~~state~~, county, or city hospital, or other Home.

d) ~~Before a prospective resident's admission to a Home, the Home shall advise the prospective resident to consult a physician to determine whether the prospective resident should obtain a vaccination against pneumococcal pneumonia [210 ILCS 45/2-213].~~

(Source: Amended at 25 Ill. Reg. 5756 --, effective APR 17 2001.)

Section 107.40 Admission of an Applicant Discharged or Paroled from a Penal Institution

The Administrator ~~A-Superintendent~~ may admit an applicant who has been discharged or paroled from a penal institution provided he meets the eligibility requirements set forth above.

(Source: Amended at 25 Ill. Reg. 5756 --, effective APR 17 2001.)

Section 107.50 Discharge from Homes

DEPARTMENT OF VETERANS' AFFAIRS

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a) Discharge from a Home shall be made when a resident: ~~1a) Is rehabilitated to the point where he (she) is no longer disabled.~~

2)b) Develops a chronic medical condition that ~~which~~ is so severe that it cannot be treated appropriately at a Home or distinct part of a Home, or through arrangement with a qualified outside resource, provided that all involuntary discharges and transfers shall be in accordance with Article III, Part 4 of the Illinois Nursing Home Care Act (210 ILCS 45/Art. III, Part 4).

3)c) Is permanently transferred to another facility or living arrangement.

4)d) Poses such serious and consistent behavioral problems that he/she is a danger to him/herself or to others.

5)e) Fails to pay the established maintenance fee or other legitimate charges within a reasonable time period.

b) A Home shall not refuse to discharge or transfer a resident when requested to do so by the resident or, if the resident is incompetent, by the resident's guardian.

c) If a resident insists on being discharged and is discharged against medical advice, the facts involved in the situation shall be fully documented in the resident's clinical record.

d) A Home shall document all leaves and temporary transfers. The documentation shall include date, time, condition of resident, person to whom the resident was released, planned destination, anticipated date of return, and any special instructions on medication dispensed. (See 77 Ill. Adm. Code 340.1310).

(Source: Amended at 25 Ill. Reg. 5756 --, effective APR 17 2001.)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 9, 2001 through April 16, 2001 and have been scheduled for review by the Committee at its May 15, 2001 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
5/23/01	Secretary of State, Issuance of Licenses (92 Ill. Adm Code 1030)	2/16/01 25 Ill Reg 2687	5/15/01
5/23/01	Department of Public Health, Rules of Practice and Procedure in Administrative Hearings Held Pursuant to Sections 2-110(d) and 410 of the Nursing Home Care Reform Act of 1979 (77 Ill. Adm Code 430)	11/27/00 24 Ill Reg 17463	5/15/01
5/24/01	Department of Revenue, Income Tax (86 Ill. Adm Code 100)	2/23/01 25 Ill Reg 2973	5/15/01
5/27/01	Department of Natural Resources, Youth Hunting Season for White-Tailed Deer (17 Ill. Adm Code 685)	2/16/01 25 Ill Reg 2661	5/15/01
5/30/01	Department of Natural Resources, Disabled Hunting Method Authorizations (17 Ill. Adm Code 760)	2/23/01 25 Ill Reg 2962	5/15/01
5/30/01	Department of Human Services, General Administrative Provisions (89 Ill. Adm Code 10)	2/2/01 25 Ill Reg 1898	5/15/01
5/30/01	Department of Human Services, Food Stamps (89 Ill. Adm Code 121)	2/9/01 25 Ill Reg 2258	5/15/01
5/30/01	Department of Human Services, Authorizations (89 Ill. Adm Code 520)	2/16/01 25 Ill Reg 2524	5/15/01

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

5/30/01 Department of Nuclear Safety, Standards for Protection Against Laser Radiation (32 Ill. Adm Code 315) 1/5/01 25 Ill Reg 1

DEPARTMENT OF PUBLIC AID

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) **Heading of the Part:** Medical Payment
- 2) **Code Citation:** 89 Ill. Adm. Code 140
- 3) **Register Citation to Notice of Proposed Amendments:** March 16, 2001 (25 Ill. Reg. 3806)
- 4) **Date, Time and Location of Public Hearing:**
Wednesday, May 23, 2001
10:00 a.m. to 12:00 noon
State of Illinois Building
Fifth Floor, Room C-500
160 North LaSalle Street
Chicago, Illinois 60601

5) **Other Pertinent Information:**

The Department is scheduling a public hearing in response to requests from the ARC of Illinois and the Illinois Network of Centers for Independent Living concerning the Department's proposed amendments on services provided by advanced practice nurses. These amendments describe practitioner payment, professional requirements and coverage limitations that are relevant to advanced practice nurses. The public hearing will be for the sole purpose of gathering public comment on the proposed rulemaking at 89 Ill. Adm. Code 140.400, 140.435 and 140.436.

Persons who plan to present testimony are asked to contact the following Department representative by letter, fax, telephone or e-mail prior to the date of the hearing. This prior notification of intent to present testimony is requested, but not required. Those who plan to attend the hearing, but will not be providing testimony, are also asked to contact the Department prior to the hearing.

Joanne Jones
Office of the General Counsel, Rules Section
Department of Public Aid
201 South Grand Avenue East
Springfield, Illinois 62763-0002
(217) 524-0081
FAX: (217) 524-2397
E-mail: AIDDL51@mail.idpa.state.il.us

Persons interested in presenting testimony are advised that the Department will adhere to the following procedures in the conduct of the hearings:

1. Testimony will be limited to the proposed rulemaking at 89 Ill. Adm. Code 140.400, 140.435 and 140.436 (25 Ill. Reg. 3806).

DEPARTMENT OF PUBLIC AID

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

2. Persons will be recognized to present testimony in the order in which their notifications of intent to present testimony are received by the Department.
3. Persons presenting oral testimony are asked to provide a written (preferably typed) copy of their testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
4. Oral testimony on behalf of any individual, entity or association will be limited to ten minutes for the presentation of such testimony.
5. All testimony will conclude at the time specified for the end of the hearing. Any person presenting testimony at that time will be allowed to use the allotted time.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2001 FIRST QUARTER SUNSHINE INDEX

1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the First Quarter of 2001. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Allocation	Federal Returns
Alternative Apportionment	Information Reports - Other Rulings
Apportionment - Financial Organizations	Innocent Spouse
Apportionment - Other Rulings	Interest Income
Base Income	Public Law 86-272/Nexus
Business Income	Refunds - Other Rulings
Collection	Short Period Returns
Composite Returns	Subtraction Modifications - Other Rulings
Credits - Foreign Tax	Withholding - Exemptions

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded

DEPARTMENT OF REVENUE

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2001 FIRST QUARTER SUNSHINE INDEX

free of charge from the Department's World Wide Web site at www.revenue.state.il.us.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999 and 2000 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
(217) 782-6996

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

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DEPARTMENT OF REVENUE

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ALLOCATION

IT 01-0029-GIL 03/20/2001 Gain realized by a nonresident on the sale of Illinois realty will generate Illinois income. (This is a GIL.)

ALTERNATIVE APPORTIONMENT

IT 01-0018-GIL 02/22/2001 Petition to use alternative apportionment method cannot be granted without some showing that statutory apportionment formula fails to properly reflect the extent of the taxpayer's business activity in Illinois. (This is a GIL.)

IT 01-0019-GIL 02/28/2001 Petition to use alternative apportionment method cannot be granted without some showing that statutory apportionment formula fails to properly reflect the extent of the taxpayer's business activity in Illinois. (This is a GIL.)

IT 01-0024-GIL 03/09/2001 Alternative apportionment under IITA Section 304(f) cannot be granted on the mere assertion of distortion without any underlying facts. (This is a GIL.)

IT 01-0025-GIL 03/13/2001 Separate accounting under IITA Section 304(f) cannot be granted on the mere assertion that separate accounting is accurate without any factual evidence regarding distortion by the statutory apportionment formula. (This is a GIL.)

IT 01-0026-GIL 03/13/2001 Separate accounting under IITA Section 304(f) cannot be granted on the mere assertion that separate accounting is accurate without any factual evidence regarding distortion by the statutory apportionment formula. (This is a GIL.)

IT 01-0027-GIL 03/13/2001 Separate accounting under IITA Section 304(f) cannot be granted on the mere assertion that separate accounting is accurate without any factual evidence regarding distortion by

DEPARTMENT OF REVENUE

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the statutory apportionment formula. (This is a GIL.)

IT 01-0032-GIL

03/21/2001 Separate accounting under IITA Section 304(f) cannot be granted on the mere assertion that separate accounting is accurate without any factual evidence regarding distortion by the statutory apportionment formula. (This is a GIL.)

IT 01-0033-GIL

03/21/2001 Separate accounting under IITA Section 304(f) cannot be granted on the mere assertion that separate accounting is accurate without any factual evidence regarding distortion by the statutory apportionment formula. (This is a GIL.)

APPORTIONMENT & FINANCIAL ORGANIZATIONS

IT 01-0002-PLR

01/05/2001 Taxpayer factoring company and single-member LLC that has elected to be disregarded for federal income tax purposes are a single financial organization entitled to apportion business income under IITA Section 304(c). (This is a PLR.)

IT 01-0003-PLR

02/09/2001 Taxpayer factoring company is a financial organization entitled to apportion business income under IITA Section 304(c), and may not be included in a unitary business group with taxpayers who may not apportion their business income under that subsection. (This is a PLR.)

IT 01-0004-PLR

02/13/2001 Taxpayer factoring company and single-member LLC that has elected to be disregarded for federal income tax purposes are a single financial organization entitled to apportion business income under IITA Section 304(c). (This is a PLR.)

APPORTIONMENT & OTHER RULINGS

IT 01-0003-GIL

01/08/2001 Nonresident with income apportioned to other states using statutory apportionment formula has income derived from other states, entitling it to apportion business income. (This is a GIL.)

BASE INCOME

DEPARTMENT OF REVENUE
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IT 01-0012-GIL 02/13/2001 Unless a specific addition or subtraction modification requires otherwise, amounts excluded from federal taxable income of a corporate taxpayer as the result of an IRC Section 338 election are similarly excluded from base income, and amounts included in federal taxable income as the result of the election are included in base income. (This is a GIL.)

IT 01-0028-GIL 03/14/2001 Except for the special exemptions allowed for Illinois Prepaid Tuition Program and College Savings Pool distributions, Illinois income tax treatment of IRC Section 529 college savings plans follows federal income tax treatment. (This is a GIL.)

BUSINESS INCOME

IT 01-0014-GIL 02/16/2001 Illinois income tax law generally follows the provisions of the Uniform Division of Income for Tax Purposes Act provisions for apportionment of business income. (This is a GIL.)

COLLECTION

IT 01-0008-GIL 01/18/2001 Statutory authorization for issuance of levies by the Department discussed. (This is a GIL.)

COMPOSITE RETURNS

IT 01-0017-GIL 02/21/2001 Notice of Intent to Levy Assets was sent to taxpayer in compliance with the requirements of the Illinois Income Tax Act. (This is a GIL.)

COMPOSITE RETURNS

IT 01-0001-PLR 01/03/2001 Partnership may file composite returns on behalf of nonresident individual partners who have no other sources of Illinois income. (This is a PLR.)

IT 01-0005-PLR 02/28/2001 Nonresident partners with no Illinois sourced income other than from partnerships may join in composite returns filed by those partnerships without the need for filing a petition as long as all Illinois sourced income is reported and taxed on the composite returns. (This is a PLR.)

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CREDITS & FOREIGN TAX

IT 01-0013-GIL 02/15/2001 In the case of an Illinois resident individual, only income from California sources is actually taxed by California. The limitation on the foreign tax credit allowed cannot be computed using income from all sources used by California to determine the rate of tax imposed. (This is a GIL.)

EXEMPT ORGANIZATIONS

IT 01-0023-GIL 03/05/2001 Exempt organizations are subject to Illinois income tax on unrelated business taxable income. (This is a GIL.)

IT 01-0035-GIL 03/23/2001 Exempt organizations are subject to Illinois income tax on unrelated business taxable income. (This is a GIL.)

FEDERAL RETURNS

IT 01-0030-GIL 03/21/2001 Reporting of federal changes, payment of resulting liabilities and claims for resulting refunds discussed. (This is a GIL.)

INFORMATION REPORTS & OTHER RULINGS

IT 01-0007-GIL 01/16/2001 The Schedule K-1-P is provided for the convenience of the partnership or Subchapter S corporation and its owners, and its use is not mandatory. (This is a GIL.)

INNOCENT SPOUSE

IT 01-0004-GIL 01/09/2001 Innocent spouse relief may be available to spouse who was unaware that no payment was made of liabilities shown on joint returns. (This is a GIL.)

INTEREST INCOME

DEPARTMENT OF REVENUE
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IT 01-0002-GIL 01/05/2001 Response to survey regarding taxation of municipal bond interest. (This is a GIL.)

PUBLIC LAW 86-272/NEXUS

IT 01-0001-GIL 01/05/2001 Nexus Determinations are beyond the scope of letter rulings. (This is a GIL.)

IT 01-0009-GIL 01/23/2001 Activities related to the sale and delivery of farm products in Illinois by nonresident go beyond activities protected by Public Law 86-272. (This is a GIL.)

IT 01-0010-GIL 01/23/2001 Nexus determinations are beyond the scope of letter rulings. (This is a GIL.)

IT 01-0015-GIL 02/16/2001 The determination of whether or not a taxpayer has nexus depends on the specific facts and circumstances of each case, and is generally not an appropriate subject for letter rulings. (This is a GIL.)

IT 01-0016-GIL 02/16/2001 The determination of whether or not a taxpayer has nexus depends on the specific facts and circumstances of each case, and is generally not an appropriate subject for letter rulings. (This is a GIL.)

IT 01-0020-GIL 02/28/2001 Picking up and delivering goods in the taxpayer's own trucks is not an activity protected under Public Law 86-272. (This is a GIL.)

IT 01-0021-GIL 02/28/2001 The determination of whether or not a taxpayer has nexus depends on the specific facts and circumstances of each case, and is generally not an appropriate subject for letter rulings. (This is a GIL.)

IT 01-0022-GIL 03/05/2001 Quality control activities in Illinois, if not de minimus, are not protected under Public Law 86-272. (This is a GIL.)

DEPARTMENT OF REVENUE
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REFUNDS & OTHER RULINGS

IT 01-0005-GIL 01/10/2001 Claims for refund of replacement taxes paid by a Subchapter S corporation resulting from retroactive allowance of a subtraction modification for income distributable to shareholders subject to replacement tax should be filed using Form IL-843. (This is GIL.)

SHORT PERIOD RETURNS

IT 01-0034-GIL 03/23/2001 Corporation whose tax year and filing status is otherwise unchanged by acquisition may file a single return covering both short taxable years resulting from the acquisition. (This is a GIL.)

SUBTRACTION MODIFICATIONS - OTHER RULINGS

IT 01-0006-GIL 01/12/2001 Individuals may carry over losses only as allowed in computing federal adjusted gross income. (This is a GIL.)

IT 01-0011-GIL 02/08/2001 No depreciation deduction is allowed except to the extent taken into account in computing the federal taxable income of the taxpayer corporation. (This is a GIL.)

WITHHOLDING & EXEMPTIONS

IT 01-0031-GIL 03/21/2001 Employer who has received notice from the Internal Revenue Service to disregard W-4 of employee claiming exemption from tax must compute Illinois income tax withholding without regard to that W-4. (This is a GIL.)